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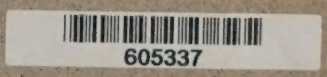
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REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—*(3.)*—

ELECTIONS.

MAIDSTONE; MALDON;
MARLBOROUGH; MAYO.

Session

30 *April* —— 28 *August* 1857.

VOL. VII.

1857—Sess. 2.

REPORTS FROM COMMITTEES:

1857—Sess. 2.

ELEVEN VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MAIDSTONE BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1857.)

Ordered, by The House of Commons, *to be Printed*,
17 *July* 1857.

Mercurii, 1° *die Julii*, 1857.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Maidstone:

Sir H. Ferguson Davie, Bart.	Samuel Gregson, Esq.
Sir William Payne Gallwey, Bart.	Anthony Willson, Esq.

GEORGE ALEXANDER HAMILTON, Esq., Chairman.

Jovis, 2° *die Julii*, 1857.

Ordered, "THAT the said Petition be referred to the Committee."

Ordered, "THAT the Committee do meet To-morrow, in one of the Committee Rooms of The House, at Twelve of the Clock."

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REPORT.

MAIDSTONE ELECTION COMMITTEE.

Mercurii, 8° *die Julii*, 1857.

The House informed, That the Committee had determined,—

That Alexander James Beresford Beresford Hope, Esq., and Captain Edward Scott, are duly elected Burgesses to serve in this present Parliament for the Borough of Maidstone.

The House further informed, That the Committee had agreed to the following Resolution:—

That the evidence given before them has been very unsatisfactory and contradictory; and although there has been no sufficient proof of corrupt practices at the late Election, the Committee think it necessary to state, that it appears that a sum of 3,500 *l.* was paid in the year 1847 for the expenses of one Candidate, although there was no contest for the Borough on that occasion.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 3° die Julii, 1857.

NAMES of the Members called over; all present.

Room cleared. Committee deliberated, and agreed to the following Resolutions:—

1. "That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. "That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. "That the Committee expect that, with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the Sitting Members or their agents, the Counsel for the Petitioners will now state the names of the electors bribed, or to whom such offers were so made; and those of the persons who actually gave the bribes, or offered to do so.

4. "The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

5. "That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. "That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence; and also with a list of those who are alleged to have exercised it.

7. "The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. "That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the Sitting Members or agents, whoes names shall be handed in, without special leave of the Committee.

9. "That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

10. "That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. "That if the Leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceeding for the convenience of Counsel who may be absent.

12. "Inasmuch as the law applicable to the evidence necessary to establish a charge of treating or undue influence differs from that applicable to bribery, the Committee are of opinion that the part of the petition which relates to treating or undue influence shall be proceeded with previous to any evidence being adduced with regard to bribery. They, therefore, request that counsel will confine themselves in the first instance to the charge of treating or undue influence."

Parties called in and informed thereof.

The Petition of *Thomas Wells* and *Thomas Standen,* complaining of an undue Election and Return for the borough of Maidstone, was read.

Counsel for the Petitioners, Mr. *Edwin James,* Q. C., Mr. *Phinn,* Q. C., Mr. *Clerk.*

Agents, Mr. *Coppock,* Mr. *Wilson.*

Counsel for the Sitting Members, Mr. Serjeant *Pigott,* Mr. *Venables,* Mr. *Rodwell.*

Agents,

Agents, Mr. *Martineau*, Mr. *Pearson*.

The short-hand writer was sworn by the Chairman.

Mr. *Phinn* opened the case on behalf of the Petitioners.

Mr. *James Richard Naylor*, sworn, and examined. Produced writ, return, and 15 poll-books, relative to the last election for the borough of Maidstone.

Thomas Abnett, sworn.

Mr. *Venables* objected to this witness being examined, on the ground that he had been in the room during Mr. *Phinn's* opening statement.

The Committee decided that the witness should be examined.

The examination was proceeded with accordingly by Mr. *Phinn*.

Cross-examined by Mr. *Venables*.

Edward Morris, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*.

John Towner, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn*.

George Turner, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn*.

Joseph Lee, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*.

John Sturgis, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn*.

Thomas Wells, sworn; examined by Mr. *Phinn*.

[Adjourned till 11 o'clock to-morrow.

Sabbati, die 4° Julii, 1857.

Members all present.

Mr. *Phinn* applied to the Committee for leave to amend the list of persons alleged to have been bribed, as he had only quite lately received the auditors' account of expenses at the last election for the borough of Maidstone; and he found therein, that 228 persons had been employed as messengers, and it was suggested that many of those were voters for the said borough.

Mr. Serjeant *Pigott* heard against the application, and stated that none of those messengers were voters.

Mr. *Phinn* withdrew his application in consequence of that assurance.

Samuel Quinton, sworn; examined by Mr. *Phinn*.

Henry Dunnage, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn*.

Edward Lee, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*.

Thomas Harrison, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*.

Richard Mills, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*.

Thomas Swan, sworn; examined by Mr. *Phinn*.

Henry Lower, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*; re-examined by Mr. *Phinn*.

Alfred Pratt, sworn; examined by Mr. *Phinn*.

Thomas Ruck, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn*.

[Adjourned till 11.30 on Monday.

Lunæ, 6° die Julii, 1857.

MEMBERS all present.

William Beale, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn.*

Thomas Roger Orford, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn.*

William Diprose, sworn; examined by Mr. *Phinn*; cross examined by Mr. Serjeant *Pigott*; re-examined by Mr. *Phinn.*

William Cole, sworn; examined by Mr. *Phinn.*

Thomas Rowles, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott.*

Alfred Miller, sworn; examined by Mr. *Phinn.*

John Richard Ford, sworn; examined by Mr. *Phinn.*

Thomas Bodkin, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables.*

Edmund Mills, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables*; re-examined by Mr. *Phinn.*

John Sturgis, sworn; examined by Mr. *Venables.*

Emily Coleman, sworn; examined by Mr. *Phinn.*

William Smythe, sworn; examined by Mr. *Phinn.*

Barnabus Baggs, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables.*

Thomas Reynolds, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables.*

William Bow, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables.*

Charles Larkin, sworn; examined by Mr. *Phinn.*

Henry Lower, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn.*

The *Witness* was proceeding to give evidence as to the meetings held by the Constitutional Society at Maidstone, and on being asked, "When you were at those meetings during the election times, did you pay for the drink you had whilst the election was going on?"——

Mr. *Venables* raised an objection to the question, on the ground that no agency had been proved.

Room cleared, the Committee deliberated.

Resolved,—"That the Committee are ready to receive evidence as to refreshments given at meetings of the Constitutional Society on occasions when the Sitting Members were present, but they will require proof of agency on the part of the persons who ordered such refreshment or paid for it before they can regard it as treating. They cannot receive evidence of refreshments given at meetings of the Constitutional Society when the Sitting Members were not present, unless the agency of the parties who ordered such refreshment shall have been previously established."

Parties called in and informed thereof.

Henry Lower, further examined by Mr. *Phinn.*

Thomas Patteson, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Venables.*

John West, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott.*

Timothy Smith, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott.*

Charles James Cooke, sworn; examined by Mr. *Phinn*; cross-examined by Mr. Serjeant *Pigott.*

Mr. *Phinn* stated the case on behalf of the Petitioners was closed.

Mr. Serjeant *Pigott* opened the case on behalf of the Sitting Members.

[Adjourned till 11 o'clock to-morrow.

Martis,

Martis, 7° die Julii, 1857.

Members all present.

Mr. Serjeant *Pigott,* heard in continuation of his address, commenced yesterday.

George Sims Marley, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Venables.*

John Hartnup, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Venables.*

Edward Giles, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

John Monckton, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn.*

Jonathan Pollard Joslen, sworn; examined by Mr. *Rodwell*; cross-examined by Mr *Phinn*; re-examined by Mr. *Rodwell.*

Joseph Kingsworth Parton, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

William Gilliam, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Venables.*

Stephen Doe, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn.*

[Adjourned till Eleven o'clock to-morrow.

Mercurii, 8° *die Julii,* 1857.

Members all present.

Thomas Goodwin, sworn; examined by Mr. Serjeant *Pigott*; cross-examined by Mr. *Phinn*; re-examined by Mr. Serjeant *Pigott.*

John Argles, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn*; re-examined by Mr. Serjeant *Pigott.*

Charles Baker, sworn; examined by Mr. *Venables*; cross-examined by Mr. *Phinn.*

John Martin, sworn; examined by Mr. *Venables.*

Alexander James Beresford Beresford Hope, one of the Sitting Members for the borough of Maidstone, sworn; examined by Mr. Serjeant *Pigott*; cross-examined by Mr. *Phinn*; re-examined by Mr. Serjeant *Pigott.*

Edward Scott, one of the Sitting Members for the borough of Maidstone, sworn; examined by Mr. Serjeant *Pigott*; cross-examined by Mr. *Phinn*; re-examined by Mr. Serjeant *Pigott.*

Mr. Serjeant *Pigott* stated that the case for the Sitting Members was closed.

Mr. *Venables* summed up the case in support of the Sitting Members.

Mr. *Phinn* heard in reply upon the whole case.

Room cleared. The Committee deliberated.

Resolved. "That Alexander James Beresford Beresford Hope, Esq., and Captain Edward Scott, are duly elected Burgesses to serve in this present Parliament for the borough of Maidstone."

Resolved. "That the evidence taken before the Committee has been very unsatisfactory and contradictory; although there has been no sufficient proof of corrupt practices at the late election, the Committee think it right to state, that it appears that a sum of 3,500 *l.* was paid in the year 1847 for the expenses of one candidate, although there was no contest for the borough on that occasion."

Parties called in and informed of the above Resolutions.

Ordered to report the same to the House.

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MINUTES OF EVIDENCE.

Veneris, 3° *die Julii*, 1857.

MEMBERS PRESENT:

Mr. G. A. Hamilton.
Mr. S. Gregson.
Sir H. Ferguson Davie, Bart.
Sir William Payne Gallwey, Bart.
Mr. A. Willson.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

3 July 1857.

The Committee-room was cleared; after some time the counsel and parties were called in, and informed that the Committee had come to the usual Resolutions.

The Resolutions were read.

The Petition of *Thomas Wells* and *Thomas Slander*, praying that the last election for the Borough of Maidstone may be declared to be null and void, was read.

Mr. *Edwin James*, Mr. *Phinn* and Mr. *Clerk* appeared as Counsel.

Mr. *Coppock* and Mr. *Wilson* appeared as Agents.

Mr. Sergeant *Pigott*, Mr. *Venables* and Mr. *Rodwell* appeared as Counsel for the Sitting Members.

Mr. *Martineau* and Mr. *Pearson* appeared as Agents.

The Shorthand writer was sworn by the Chairman.

Mr. *Phinn* was heard to open the case on behalf of the Petitioners.

James Richard Naylor, Esq., was called in; and having been sworn, was examined by Mr. *Phinn*, as follows:

J. R. Naylor, Esq.

1. ARE you a Clerk in the Crown-office?—Yes.
2. Do you produce the writ and return of the Maidstone election?—Yes, of the borough of Maidstone (*producing the same*).
3. What is the date of the writ?—The 21st of March.
4. And the return?—The 30th of March; it states that they have elected Alexander James Beresford Beresford Hope, Esq., and Edward Scott, Esq., Captain in Her Majesty's Fourth Regiment of Light Dragoons.
5. Do you produce the poll-books?—Yes (*producing the same*).
6. Are they summed up?—No.

Mr. *Venables* admitted that the numbers had been accurately stated by Mr. Phinn in his opening.

Thomas Abnett, was called in; and having been sworn.

Thomas Abnett.

7. Mr. *Venables*.] HAVE you been in the room during the proceedings?—I have.

Mr. *Venables* objected to the evidence of the Witness being received.

Thomas Abnett.

3 July 1857.

8. By the *Committee.*] Were you here when the preliminary resolutions were read out by the Committee?—I was here; I have been here for the last 10 minutes or quarter of an hour.

9. Did you hear the resolutions read out by the Committee previously to Mr. Phinn opening the case?—No, I did not.

10. Were you aware that the Committee had forbidden persons to remain in the room during the proceedings who were to be called as witnesses?—I did not hear anything of that.

11. Were you in the room during the whole of Mr. Phinn's statement?—I was in the room some part, not the whole of the time.

12. You say that you have been in the room ten minutes?—A quarter of an hour nearly.

The *Chairman* stated, that the Committee would allow the Witness to be examined, under the special circumstances of the case.

13. Mr. *Phinn.*] Where do you live?—No. 5, Wharf-lane.

14. Where?—Maidstone.

15. What is your occupation?—A Waiter.

16. Now, previously to the last election, were you employed as a waiter at the Bell Hotel?—Yes.

17. When did you go to the Bell Hotel first?—I have been at the Bell the last 14 years occasionally, and for four years I have served with Mr. Swinfen.

18. Did you go to the Bell Hotel about the time of the election?—I was there at the time.

19. How long had you been there before then?—I had been there nearly four years.

20. Continuously, had you?—Yes.

21. Do you remember Mr. Hope and Captain Scott coming to Maidstone?—I do.

22. Had there been any room used by any electors previously to that?—There was one room engaged, which was No. 5, the large room that was termed the committee-room.

23. Was No. 5 up stairs or down stairs?—Up stairs.

24. Did it look to the street?—No.

25. It looked back?—From the windows you could see out in the street.

26. It looked to the street?—Yes.

27. What time was that room taken?—It was taken for several days.

28. At what time was that room first taken?—I cannot tell you the day of the month, but it was taken.

29. How long before the election?—About 14 or 15 days it might have been; I cannot say, not to a day or so.

30. Who were the people that you saw coming to that room first of all; did you see Mr. Hope there?—I did.

31. When did you first see Mr. Hope?—I cannot say when I did see him.

32. How long before the election?—It was while the Committee was being held; it might be a week.

33. Do you know Captain Scott?—I do.

34. Did you ever see him there?—I did.

35. How long before the election?—That might have been a week.

36. Was it as long as a week?—Yes.

37. You say that you saw Mr. Hope and Captain Scott there, about a week before the election; had the room been used for meetings and so on before you saw Mr. Hope and Captain Scott there?—For meetings, no; that was the committee-room.

38. Was anybody in the room before you saw Captain Scott there?—Yes.

39. Had it been used by other gentlemen?—Yes.

40. Can you tell the name of any one; do you know Mr. Gilliam?—I know him, he went in occasionally; he never ordered the room.

41. Was that before Mr. Hope and Captain Scott were there the first time or after?—After Mr. Hope and Captain Scott was there.

42. Do you know Mr. Wickham?—Yes.

43. There are two Mr. Wickhams, are there not?—Yes.

44. Mr. Wickham of the brewery?—Yes.

45. And Mr. Wickham the stationer?—Yes.

46. Did

46. Did you see either or both of these gentlemen there?—Both of them, to the best of my knowledge.
47. Was that before or after Mr. Hope was there?—About the same time.
48. Do you know Mr. Monckton, the solicitor?—Yes.
49. Did you see him there?—Mr. Monckton, junior, good sir.
50. Do you know Mr. Thomas, the solicitor?—Yes.
51. Did you see him there?—Not to my knowledge.
52. Do you know Mr. Short?—William Short?
53. Yes?—Yes.
54. By the *Committee.*] Do you know him?—Yes.
55. Did you see him in the room?—I have seen him in the room, and sometimes outside, when he has come up occasionally.
56. Mr. *Phinn.*] Was anybody stationed at the door of this room?—There was a doorkeeper.
57. How early was that doorkeeper appointed?—I cannot tell what time he was appointed.
58. How soon did he begin to act as doorkeeper?—About 10 or 11 o'clock in the morning.
59. How long before the election?—About three days, to the best of my knowledge.
60. Did you ever go into the room?—I did.
61. What did you see there?—I see a lot of papers, envelopes and cards, that is all.
62. What sort of cards?—Some cards were of Mr. Scott and some were of Mr. Hope.
63. Were any other rooms taken in the Bell after this?—There was two rooms taken for a couple of days, I think, to the best of my knowledge.
64. How long before the election?—It might have been about three days.
65. Were they near this room that was taken first?—Yes, next door, on the same landing.
66. Who used those rooms, the other two rooms; were they the same party?—No. 5, the first room, was the committee-room, and about two or three days before the election took place, that No. 6 room, which was next to it, was engaged for two days; I think it was two days, to the best of my knowledge.
67. What was that used for?—It was used for a meeting.
68. What sort of meeting?—A friendly meeting.
69. Of whom?—Of two or three and thirty, there might be, of gentlemen.
70. Did you see Mr. Hope there at all in that room 6?—I did not.
71. Or Captain Scott?—No.
72. Did the people who had 5 go into 6?—Yes; in the evening they had their glass of grog.
73. They went in, and had a glass of grog?—Yes.
74. Had you any instructions from anybody as to who you were to allow to go there?—No, not at all.
75. Were you waiting?—Yes, I was.
76. Did you serve?—Yes.
77. Mr. *Phinn.*] I must put to you the names of the people that you have given; the two Mr. Wickhams, Mr. Monckton and Mr. Short?—Yes.
78. And Mr. Gilliam?—Yes.
79. Did you see Mr. Potts?—No.
80. Mr. Argles?—Young Mr. Argles.
81. In No. 5?—No, No. 6.
82. We will take No. 5; did you ever see Mr. Post in No. 5?—I did.
83. Mr. Short?—I have seen him there.
84. Mr. Cobb?—Yes.
85. Mr. Pearson?—Yes.
86. Mr. Norton?—I cannot answer to his name.
87. Mr. Bonner?—Yes, I saw him; not in No. 5.
88. Where?—In No. 6 that was.
89. I am asking about No. 5; did you see Mr. Usmore in No. 5?—No.
90. Mr. Burn?—No.
91. Mr Linden?—No.
92. Can you mention anybody else that you saw in No. 5?—I do not know, not for the moment; I cannot tell.

Thomas Abnett.

3 July 1857.

93. How early did the gentlemen use to come to No. 5 in the morning?—I was ordered to get a fire in the room, and have the room dusted by nine o'clock in the morning.

94. Did any gentlemen come in soon after that?—Yes; from nine to half past.

95. How late at night did they use the room?—It used to be dispensed with about six or seven o'clock, without there was a meeting, and then that used to be over about 11 or half past 11.

96. A meeting of what?—There was a meeting once, I think, or twice.

97. A meeting of whom?—In No. 6 room that was.

98. I am asking about No. 5?—No. 5 was broken up quite by six o'clock.

99. Did you see people go into No. 5 whom you knew to be voters at all?—I have seen several go in at times.

100. Besides the people whom you have mentioned to us?—Yes; a man of the name of Knowles; I saw him go in; I could not tell, because I had other rooms to attend to, and I was very busy at the time.

101. Did you ever serve in that room any refreshment, or anything of that kind?—Yes.

102. Now as to No. 6; you say that was taken two or three days before the election?—Yes; it was used twice or three times, I cannot say which.

103. Was it used at the election day, the Saturday?—That room was.

104. No. 6?—Yes.

105. Was it used on the nomination-day?—No. 5 was used only.

106. I am asking about No. 6?—No; it was not used on the nomination-day.

107. Was it used on the day of election?—It was.

108. What for?—I do not know.

109. Did you go in?—I went into the room when the bell rang.

110. Whom did you find there the day of the election in No. 6?—Mr. Pearson went into the room once or twice.

111. Did you see Mr. Goodwin in that room?—No.

112. Mr. Bushnell?—Yes.

113. Mr. Burn?—No.

114. Did anybody take charge of No. 5 at night?—I did.

115. Did you find the door locked?—Mr. Pearson always gave me the key when he had done with the room, and I had to take possession of the key on purpose for to get the room ready in the morning, so that there should be a fire.

116. What is Mr. Pearson? I do not think that you have told us?—Mr. Pearson is a collector.

117. A collector of what?—Of rents.

118. Who for?—I do not know; different parties.

119. Was any placard, or anything of that kind, put outside that house?—Not on the house.

120. Inside?—Not to my knowledge.

121. Was any direction put up as to what this room was; any direction written on the room or near the room?—No. 5 room; No. 6 was not posted at all.

122. You mentioned the committee-room; is that the name you gave it?—No. 5 was a committee-room, or termed as a committee room.

123. During the day of the polling, did you see Mr. Hope at all in the Bell?—Not at all, to my knowledge.

124. Or Captain Scott?—Not to my knowledge.

125. Did you on the nomination day?—Mr. Hope might have been there; I cannot say whether he was.

126. You cannot say whether you saw him or not on that day, but you are certain that you saw him there on two or three occasions?—Yes.

Cross-examined, by Mr. *Venables.*

127. When you speak of the committee-room, what committee do you mean?—The committee of Messrs. Hope & Scott.

128. You considered it to be Messrs. Hope & Scott's committee?—Yes; it was the committee-room, as I thought.

129. As you thought?—Yes.

130. You are probably aware that there were ward committees of the Constitutional Society?—Yes.

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131. Do you happen to know of your own knowledge whether this was the committee-room of one of the sections of that society, or whether it was Messrs. Hope & Scott's election committee?—I termed it as Messrs. Hope & Scott's.

132. That was your understanding?—Yes.

133. I think you say that there was no placard outside the house, except No. 5, outside that room?—No. 5, outside; it was No. 5 room.

Examined, by the *Committee.*

134. I think you said that this room was engaged; I did not hear you say who engaged the room?—Mr. Pearson engaged the room.

135. That is No. 5 you are speaking of?—Yes.

136. Did you say that No. 6 was engaged by Mr. Pearson?—I cannot tell who engaged it; I had orders over night to get it ready in the morning.

137. Did the landlord give you orders?—The barmaid gave me notice.

138. You do know who engaged No. 5, but you do not know who engaged No. 6?—No, I cannot tell.

139. Were you present when any engagement was made as to No. 5?—No further than this, Mr. Isaac told me I was to get No. 5 ready for the committee.

140. The landlord?—Yes.

141. How do you know Mr. Pearson engaged it?—Mr. Pearson was the gentleman I had to attend to, and I expected it was him.

142. You said just now that the landlord told you to get it ready?—To get No. 5 ready.

143. For the committee?—Yes, that was his order.

144. Mr. Pearson took charge of the key, and gave it to you for the night?—Yes; and I had to get the room ready in the morning.

145. Therefore you consider that you have ground to suppose that Mr. Pearson engaged the room?—Yes.

146. With regard to Mr. Hope, you stated that you saw him in the room No. 5 some time previously to the election?—I did.

147. Can you state to the Committee, with any degree of accuracy, about when you saw him there, or about how often you saw him there?—I have seen him as early as 10 in the morning, and I have seen him some days about three or half-past three in the afternoon; not to stay in the house; he was not there more than five minutes.

148. Do you recollect how long before the election it was that you saw him there first?—A week.

149. How frequently during the week before the election do you think you saw Mr. Hope there?—I saw him three times that week.

150. Can you state how long each time Mr. Hope remained in the room?—Not more than five minutes; he was no sooner in the room than out again.

151. Can you state who were in the room during the five minutes that Mr. Hope was there?—Mr. Post, he might have been; Mr. Gilliam, Mr. Cobb, Mr. Cogger and Mr. William Wickham,

152. These parties were in the room; were they in the room upon every one of the three occasions when Mr. Hope was there, or only upon one occasion?—I cannot say that they were there on all three occasions.

153. You have no doubt these parties were in the room when Mr. Hope was there at the first time?—Yes.

154. Did you see Mr. Goodwin there at any time?—Only in the evening; not in No. 5 room; I have not seen him there.

155. You did not see Mr. Goodwin, I understand, at any time that Mr. Hope was there?—No, not at all.

156. Mr. Gilliam I think you saw once at least?—Yes.

157. With regard to Captain Scott, can you state how frequently he was there before the election?—Not more than three times.

158. He was there three times?—Yes.

159. Was he there for any period, each time, or did he merely come in and go out the same as Mr. Hope?—The same as Mr. Hope.

160. Were either of these parties, Mr. Gilliam or Mr. Goodwin, present when Mr. Scott was there?—Mr. Gilliam was, Mr. Goodwin I have not seen in that room at all.

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161. You have already stated to the learned counsel that you did not see Mr. Hope or Captain Scott, I think in that house during the nomination, or during the election day?—Not to my knowledge; I did not see them.

[The Witness was directed to withdraw.

Edward Morris was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Edward Morris.

162. DO you live at Maidstone?—Yes, at Frankfield.

163. What are you?—A Sawyer.

164. Where do you work?—At Mr. White's, Bridge wharf.

165. Are you a voter?—Yes.

166. How long have you been a voter?—This is the first time that I voted for a member.

167. Do you know a man of the name of George Simms Marley?—Yes.

168. What is he?—Foremen for Mr. Tassell, the timber merchant.

169. Did you see him on any day before the election?—He came to me on the nomination night.

170. At what time?—About eight o'clock; it might be a few minutes past eight; I cannot tell exactly the time to a few minutes.

171. Where were you when he came to you?—In the back room.

172. The back room; where?—In my house.

173. Was anybody present besides you and him?—Yes, my wife and John Towner; my wife was in the back room.

174. What did Marley say to you?—He came and asked me whether I would allow him to put my name down to vote for Hope and Scott.

175. What did you say?—I told him "no;" I would not promise him.

176. What did he say then?—He said, "You had better let me, for Hope has got"——

Mr. Sergeant *Pigott* objected to the admissibility of the evidence.

Witness was directed to withdraw.

Mr. *Phinn* stated that this case had been opened as a case of bribery.

The *Chairman* stated that the Committee were of opinion that the examination might be proceeded with.

Witness was again called in.

177. Mr. *Phinn.*] What did he say then?—He said, "You had better let me, for Hope has got plenty of money, there is no mistake about that."

178. What did you say to that?—I says, "I have heard talk of them afterclaps, but I never see any of them."

179. Yes?—He says, "that might be with the blue party, but ours always have it."

180. Yes?—He said, "I dare not to promise you anything, not even a half pint of beer" He says, "When there is anything left in my hands, I always see it right."

181. Is Mr. Lee of the blue party?—Yes.

182. What colours are the other party?—Purple they call them.

183. It is blue and purple is it?—Yes.

184. What did you say to that?—I told him I should not promise him; I should vote for some one in the morning.

185. Did he put your name down?—Not as I know of; I never gave him any consent to it.

186. Did you see him again?—He came in the next morning.

187. What time?—Between nine and ten. He said he had got a fly; I told him I was not ready; he said, "How long shall you be?" I says, "Half-an-hour;" and I went down, and voted before I saw any more of him.

188. Who did you vote for?—For Lee and Mildmay.

189. Before this happened, had you been canvassed by anybody?—Mr. Hope and Scott, and his canvassing party, came on the wharf, and Mr. White came forward to me, and told me there was some gentlemen coming to me; and I looked

looked round to see who they were, and told him it was no use their coming there, they was the wrong sort, and I should not vote for them. *Edward Morris.* 3 July 1857.

190. How long was this before the nomination?—Nearly a week; I cannot say to a day or two.

191. When they came on to the wharf, did you see anybody with them?—Yes, I saw Mr. Marley with them; I saw him two different times with them.

192. When they came to canvass you on the wharf?—Yes.

193. Did Mr. Hope and Captain Scott speak to you?—No; they never came forward.

194. You saw them, did you?—I saw them.

195. You told that to your master; did you see your master go and speak to them?—Yes; he went back to the party.

196. Did you see Mr. Hope and Captain Scott on any other occasion in company with Marley?—Yes; I see them up what they call the Bowyer-road together.

197. What were they doing together?—Canvassing.

198. When was that?—I saw them the same day.

199. How far is the Bowyer-road from the wharf where you work?—We call it the Bowyer-road just after we get out of the wharf; there is one the Bowyer-road and the other the London-road.

200. What ward is it in?—Westborough ward.

Cross-examined by Mr. Sergeant *Pigott*.

201. Is this Marley a working man?—He is foreman to Mr. Tassel.

202. Do you mean by that an overlooker of other workmen, or a man who works as well as being foreman?—He sells the timber and deals, and such things for Mr. Tassel.

203. What aged man is he?—I should say nearly 40; between 30 and 40.

204. Have you known him before?—Yes, sometime.

205. Are you intimate with him, or only an acquaintance?—An acquaintance.

206. Are you in the habit of meeting?—I see him pretty much, every day.

207. How long have you known him?—Five or six years, perhaps.

208. Do you drink together occasionally?—No.

209. You did vote for Lee and Mildmay?—Yes.

210. What time in the day was it that you and he had this conversation?—It was in the evening, when he came to me.

211. At your own house?—Yes.

212. Was it after you had been canvassed by Mr. Hope and Captain Scott?—It was after they had come to me on the wharf.

213. You said they came to canvass you?—They came to canvass me on the wharf.

214. It was after that this man came to you?—Yes, on the nomination night.

215. You say that he said "I dare not offer you anything, not even half a pint of beer?—Yes.

216. And you said "I will not promise you"?—Yes, I said "I will not promise you."

Examined by the *Committee*.

217. What day was it you saw Mr. Hope and Captain Scott in company with Marley?—I cannot mention the day.

218. What day was it they came to canvass you?—I cannot mention the name of the day, I forget; it was sometime early in the week, Monday or Tuesday, I cannot say exactly what day.

219. The nomination was Thursday?—On Friday.

220. And the election on Saturday?—Yes, the election was on Saturday.

221. You think it was early in the week Mr. Hope and Captain Scott came to your house in company with Marley?—Yes, I think it was Monday or Tuesday; I will not say, to be sure, what day it was.

222 You have stated that you saw them on two other occasions?—On two other occasions.

223. Can you state what days those were?—On the same day.

 224. Did

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224. Did you see anything of Marley between the Monday and the evening of the nomination, when he called upon you?—I never see him after Mr. Hope and Scott they came to me; not till he came and asked me.

[The Witness was directed to withdraw.

John Towner was called in; and having been sworn, was examined by Mr. *Phinn*, as follows:

John Towner.

225. What are you?—A Sawyer.

226. Where do you live?—Frankfield, in Maidstone, at Mr. Morris's.

227. That is Mr. Edward Morris, the last witness?—Yes.

228. Do you lodge in his house?—Yes.

229. Were you lodging there about the time of the election?—Yes, I have been lodging there over four years.

230. Do you know a man named Marley?—Yes, I know him very well.

231. Did you ever see him on an evening at Morris's house?—Yes, I saw him at Morris's house on Friday March 27th, I think it was; it was the day of the nomination at Maidstone.

232. What time was it?—I think it was from eight to nine.

233. When Marley came to the house, where were you?—I was in the back-room as he came to the front door.

234. What room did he go into?—He came into the front room.

235. Where did you stay?—Stayed in the same room where he was.

236. The back room?—The back room.

237. Was the front room door open or shut?—The front room door, when Marley came in, was shut till Mr. Morris came in, and after that the door between Mr. Marley and me was open.

238. Could you hear what passed between Marley and Morris?—Yes, I heard what was passing between them.

239. Will you tell these gentlemen what did pass between them?—When he came in, he asked Morris to let him put his name down to vote for their party, and he told him he should not promise him; and he says "Hope has got plenty of money, there is no mistake about that;" Morris says "It is not any use of Hope having plenty of money, I shall not have any of it;" he says "You do not know that, you vote for us, and you will be all right;" Morris says "I have heard talk of them after-claps, but I never see any of them;" he says "It might be so with the blue party, but not with ours; you cannot mention one but what always had it;" he says "I don't dare promise you anything, not even half a pint of beer; but if you vote for our party that will be all right; anything that is left in my hands I see that all right."

240. Did you hear anything more pass?—No further than when he was going away, he says "Give us your hand, and let me put down your name;" Morris says "No, sir, I shall not promise you, and then I shall not deceive you;" he says "You consider it over, and make up your mind, and call at the Prince of Wales to-morrow; I shall be there to-morrow," he says.

241. Did you see anything more of him that night?—No, I did not see any more of him that night.

242. Do you know Mr. Hope by sight?—Yes, I know Mr. Hope.

243. Do you know Captain Scott?—Yes.

244. Captain Scott lives in Maidstone?—Yes.

245. Did you ever see them at your wharf?—I saw them go one day over by the crane; I was not close to them.

246. Did you see anybody with them that you knew?—No one that I knew.

Cross-examined by Mr. Sergeant *Pigott.*

247. You seem to state your story very glibly; will you tell me again what the conversation was between these two men, Marley and Morris?—Yes, I can tell you again.

248. Do so?—When Marley came, he wanted Morris to promise him to let him put his name down to vote for their party; he told him he should not promise; he says "You had better let me put your name down; Hope has got plenty of money, there is no mistake about that;" Morris says "It is no good to me Hope having money, I shall not get any of it;" Marley says "You don't know

know that; you vote for our party, that will be all right;" Morris made answer, and says, "I have heard talk of them after-claps, but I never knew of them;" he says, "It might be so with the Blue party, not with ours; you cannot mention one but what always had it."

249. Is that all?—He says, "I do not dare promise you anything, not even half a pint of beer; but if you vote for our party, that will be all right; anything that is left in my hands I always see it all right."

250. Had Morris told him that he should not vote for him in the first instance?—He did not tell him; he said he would not promise.

251. He did not say he would?—He did not say he would; he said he would not promise, and then he said he should not deceive him.

252. He would not promise?—He would not promise.

253. What time of the evening was this?—Somewhere from eight to nine; I did not notice the time exactly.

254. You were sitting in the next room, you say?—Yes.

255. Was the door open between the two rooms?—Yes; when Morris went through I sat right opposite the door where Morris stood; there is the centre; my chair was here (*describing the same*), the door was there; when he opened the door, Morris stood right opposite to him.

256. They were in the next room to what you were?—They were in the next room to what I was.

257. Did he leave the door open between them?—Partly.

258. What we call ajar?—Ajar.

259. Did you change your position in order to hear what was said?—No, I sat close where I sat before.

260. How far did you sit from the door?—I might be as far from the door as that table, about from here to there, and when the door was open I could see clear through.

261. When they were talking the door was ajar?—Yes.

262. How large a room was it in which they were sitting?—They are called 12 feet, but they are not so much as that inside, that is outside.

263. Have you ever measured the room?—The cottages are called 12 feet rooms.

264. Were they talking in a low tone of voice?—No; I could hear plain what they said.

265. Did they speak loud?—They talked about in the common way of talking.

266. Were you listening particularly to hear what was said?—I was listening.

267. Did you write it down?—No, I did not write it at all.

268. You made no memorandum of it?—No.

269. You have recollected these words ever since?—I have recollected it ever since.

270. How many times have you said it over since?—I do not know that I have said it over particularly, only I thought it over to myself.

271. When did you give information about this to anybody?—When it was first talked over; it was some time since.

272. How long ago is it since you first told anybody about this conversation?—I do not know the day.

273. Was it a week ago?—Yes; it was two months ago, I should say.

274. You were not a voter, were you?—No, I am not a voter.

275. Were you a lodger, do you say, at Morris's house?—Yes.

276. You heard him say, "I do not dare promise you even half a pint of beer"?—Yes; he says, "I do not dare promise you anything, not even half a pint of beer."

277. Morris did not ask for anything, did he?—No.

278. He merely said, "We have often heard of these after-claps?—He said, "We have often heard of these after-claps, but I never see anything of them."

279. Did you know that he had never been a voter before?—I only knew him vote for municipal elections.

280. By the *Committee*.] Did Marley see you?—Not that I know of.

281. Could he have seen you?—He could have seen me if he had looked through; I dare say he might have seen me; but he would not have seen me so well as I could see him, because I was looking to see who it were.

John Towner.

Re-examined by Mr. *Phinn.*

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282. You say you are not a voter?—No, I am no voter.

283. Did you take an interest in the election?—Yes, I like to see an election.

284. Which side were you?—If I had a vote, I am a Liberal.

285. You took an interest in that side wininng?—Yes, I did.

286. How soon after the election was this talked of, about Marley coming up to see your friend Morris?—It was some little time afterwards, I believe it was; I did not hear anything of it; Morris was a talking to some one, and they gave information about it to Morris; and then they asked Morris if any one else was there at the place that heard him, and he mentioned that I was there.

287. Did somebody ask you about it?—Yes; then I was asked if I heard such words.

288. How long after the election was that, do you recollect?—I do not recollect at all how long it was.

289. Was it a month or a week, or what?—I should think it was more than a month.

[The Witness was directed to withdrew.

George Turner was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

George Turner.

290. WHERE do you live?—At Maidstone.

291. Where?—Bowyer Westborough.

292. What are you by trade?—A stone sawyer.

293. Are you a voter?—Yes.

294. Were you so at the last election?—Yes.

295. Who do you work for?—Messrs. Sutton.

296. They are masons, are they?—Yes.

297. Do you know a man named George Marley?—Yes.

298. Do you remember seeing him any time before the last election?—Yes, I see him on the 22d of March, on Sunday evening.

299. Where?—At my house.

300. Was that in the morning or evening, or when?—About eight o'clock in the evening.

301. By the *Committee.*] Was that the nomination night?—No; the Sunday before the 22d.

302. Mr. *Phinn.*] What day of the week was it?—On Sunday.

303. What did he say to you when he came to you?—He asked me if I could favour him with a vote; I told him no, I had promised; and he said, if I could give him one for Mr. Hope, he would make every thing right, and leave it to him; he wished me to call at his house on Monday, and say, off or on, whether I would or not.

304. This was on the Sunday?—Yes.

305. Just tell us the words he used; do you recollect the words?—Yes.

306. Just give us the exact words?—The words he says to me was, "Well, which way are you going this time?" "Well," I says, "I am going for Lee and Mildmay;" he says, "Could not you favour Mr. Hope with one?" I says, "No, sir, I have promised, and I should not like to disappoint;" then he says, "Never mind for that. Well," he says, "make up your mind, and let me know."

307. Let him know what?—Whether I would give Mr. Hope a voice, or not.

308. Do you recollect his using any expression to you; do you recollect anything more that he said?—He said, my master was not so blue as he used to be.

309. Do you recollect anything else he said; was the word figure used?—Yes.

310. What did he say about figure?—He says, I was to leave word at his house on Monday evening as I came home from work, whether he was at home or not, and say, yes or no; he would make the figure right whatever I said.

311. What did he say about figure; did he use the word figure?—He said, leave word at his house, and he would make it all right, whatever the figure was.

312. Did you go to his house?—No.

313. How did you vote?—For Mr. Lee and Mildmay.

314. What time did you vote?—I think it was about a quarter past nine as near as I could judge.

315. Early in the morning?—Yes.

316. Do

316. Do you remember being at a place called the Prince of Wales?—Yes.

317. Was that the day of the election?—The day of the election.

318. What time were you there from?—I went there from half-past nine, I think, until one; from that until two; we will say between one and two, anyway.

319. Was there a room there called the auction room?—There was a room where the auction was made.

320. Did you see Marley there?—I did.

321. What was he doing?—Why, he was very busy taking the voters up to vote to the hustings; I saw him.

322. How far was that place from the polling-booth?—I do not know the exact distance it might be.

323. Is it 100 yards?—It must be something like 100 yards, or rather better.

Cross-examined by Mr. Serjeant *Pigott*.

324. What was he doing?—He was busy in the Prince of Wales.

325. Being busy in the Prince of Wales does not give one a very definite notion; can you mention any one thing he was doing?—I see him come and take a man by the shoulders, and ask him which way he was going to vote, and he said, "There is no bloody hurry yet."

326. That is what you call being very busy?—Yes; and they went out together.

327. Out of where?—Out of the tap-room.

328. Perhaps you mean he was busy drinking there?—No; they went into the back room, and they went from there to the hustings.

329. They walked together?—Yes.

330. Did the man poll, do you know?—Yes, he did.

331. Did you go up with them?—No.

332. Who was the man?—Davis.

333. You did not go up with them?—No.

334. Do you know which way he polled?—He told me which way he polled.

335. Did you know without his telling you?—I did not go along with him.

336. Were you taking something to drink at the Prince of Wales?—Yes.

337. Were you busy?—I was busy, having what I paid for.

338. Not asking people to go up and give their vote?—No.

339. Nothing of that kind?—No.

340. Just repeat again what was said between Marley and yourself when he came to canvass you?—He asked me for a voice for Mr. Hope; I told him I could not, I had promised; he said, "Oh, your people was not so blue," meaning my master at the yard where I worked was not so blue as he used to be.

341. Well?—Well, I told him I had promised, and I could not disappoint; he said, "Never mind disappointing; you leave it to me, and say whatever the figure is, I will make it right."

442. That is the way the figure was brought in?—Yes.

343. Upon the last occasion you told us that you were to call at his house, and leave word?—I did.

344. Then, whatever the figure was, he would make it right?—Yes, and I say so now; I was to call at his house, and leave word.

345. How many times do you think you have repeated that since it occurred?—I have not repeated it at all, not until I was asked the question a few days ago.

346. How long ago were you asked the question?—A fortnight ago.

347. A fortnight ago; was that the first time you repeated it?—I did not know anything about it; I thought it had dropped.

348. Is that the first time that you stated what Marley had said?—Yes.

349. About a fortnight ago?—I think it is near about a fortnight ago.

350. How were you found out as a person to give evidence?—I do not know in what way I was found out.

351. Who came to you to give evidence?—A person by the name of Stinger.

352. Who is Mr. Stinger?—A gentleman at Maidstone.

353. A voter at Maidstone?—Yes, I believe he is.

354. Is he on the Blue side or the Purple side?—He is on the Blue, I believe.

355. He is not what you call one of your people, not one of your masters?—No.

356. He applied to you to give evidence?—He asked me what passed.

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357. Is he the person who has been getting up the evidence?—I do not know.

358. Did you know him before?—I have seen the man before, but I never spoke to him.

359. You have never spoken to him?—I do not recollect that I did.

360. Was that the first time that anything was said to you upon this subject?—That day that he called upon me was.

361. Had you mentioned it to anybody before?—I believe it had been mentioned before, when we were at work.

362. I asked you whether you had ever told anybody what you have said, and you said, "Never until a fortnight ago"?—No further than when I have been at work in the way of chaff, or something of that sort.

363. You had promised Lee and Mildmay, had you?—Yes.

Re-examined by Mr. *Phinn.*

364. You say it had been talked over by the people, and they chaffed you; it leaked out amongst your fellow workmen?—What did you say?

365. Was it chaff among your fellow workmen?—Yes, it was.

366. They chaffed you about it, did they?—They were talking about different things, and they chaffed me about Marley calling upon me.

Examined by the *Committee.*

367. Was there any one in your house at the time of the conversation between Marley and yourself?—My wife and daughter; he did not come into the house; he came to the door, and rapped at the door.

368. Were they in the room when he spoke to you?—No, they went to the door, to answer the door, when he rapped at the door.

369. Did they hear what took place between you and him?—I believe not; I asked him to come in; he would not come in; he stayed outside the door.

370. Were there any people in the street, or about?—There is a little bit of garden from the street to my door, and he was between the gate and the door, and there was no one about that I know of; I did not see any one; it was eight o'clock in the evening, and as it was dark, I did not notice any one.

371. Is the Prince of Wales supposed to be a Blue or a Purple house?—Purple.

372. Did you vote for the Blue, or the Purple?—Blue.

373. How came it that you went to drink at a Purple house?—That has nothing to do with it; it is a house I have used for years; I always used it.

374. Did you expect to meet Marley?—No; I had voted before I went there; I always used the house, and have done for years.

375. Did you pay for your own liquor?—I paid for all what I had.

[The Witness was directed to withdraw.

Joseph Lee was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Joseph Lee.

376. WHAT are you?—A labourer.

377. Whom do you work with?—I work for Mr. Sutton.

378. What is he?—A stonemason.

379. Do you know Alexander Lamb?—Yes.

380. Does he work with you?—Yes.

381. For Mr. Sutton?—Yes.

382. Do you know a man named Marley?—Yes, I do.

383. Do you remember seeing Marley at any time when you were in company with Lamb?—Yes.

384. When?—On the week before the election.

385. Do you mean the same week as the election, or the week before that?—The week before the election took place.

386. The election was Saturday; what day in the week before did you see Marley?—On the Monday.

387. Was that the Monday in the same week as the election, or the Monday before?—The Monday before.

388. The

388. The Monday in the week of the election, or the Monday in the week before the election?—Yes.

389. Nearly a fortnight before the election?—Yes.

390. Where were you when you saw him?—Outside the Haunch of Venison.

391. Was Lamb close to you?—Yes; Lamb and me was together.

392. Did you see Marley speak to Lamb?—Yes.

393. Were you near enough to hear what passed?—Yes.

394. Tell these gentlemen opposite you what passed?—Marley came to Lamb, and says to him, "You are not all blue this time, are you?" Marley says, "Well, your people are not so blue as they used to be;" he says, "Well, you can give us one, can't you?" and Lamb says, "I do not know;" he says—Marley says, "If 5 *l.* or 10 *l.* is of any use, you know where I live;" and Marley says to Lamb, "See what you can do;" Lamb says, "Well, I will see."

395. Yes?—There is no more.

396. Did you make any observation?—I made no observation to Lamb. I says, "Now there is a good chance for you, if you like to take it."

397. What did Lamb say?—Lamb says, "Well, I do not know." He says, "It will not do."

398. When did you first mention this to anybody?—The next morning.

399. Whom to?—To Turner.

400. Do you know Mr. Hope by sight?—Yes.

401. Do you know Captain Scott?—Yes.

402. Have you ever seen them about canvassing?—Yes, I have seen them.

403. Have you seen anybody with them that you know?—Yes; I have seen Mr. Marley.

404. What was he doing with them?—Well, I do not know what he was doing with them; he was round with them, when I saw him.

405. Were they going from house to house?—Yes.

406. Did he go with them?—Yes.

407. Did you see them go into houses?—Well, there was several went in.

408. Did you see Mr. Hope go in?—I cannot say I see Mr. Hope go in.

409. Did you see Captain Scott?—I cannot say whether I saw him; several of them went in.

410. There was a party, was there?—Yes, a party together.

Cross-examined by Mr. *Venables.*

411. As to this conversation, where is the Haunch of Venison, what street?—High-street.

412. That is one of the principal streets of Maidstone, is it not?—Yes.

413. Did Marley make any attempt to keep what he said out of your hearing?—No; he spoke it openly.

414. He saw you standing by?—Yes, he saw me; he came to Lamb and me; Lamb and me was walking together.

415. Were there other people in the street?—Very few.

416. Did you stop or walk on?—Stopped.

417. Were any persons passing while this took place?—Several passed.

418. When is it you saw Marley with Captain Scott?—Oh, a week before the election.

419. How long before?—A fortnight before the election, I should think.

420. Can you fix the day of the week?—No; I did not take no notice what day.

421. In what part of the town was it?—In the Westborough Ward.

422. Is that the place where Morris and Turner work; you know Turner?—Yes.

423. Is that the place they work?—Yes; they work in the Westborough Ward.

424. Was it near the wharf the place that you saw them?—Yes, it was not a great way from the wharf.

425. You cannot fix the day of the week?—No, I cannot; I did not take that notice.

426. How many persons were there with them?—That I cannot say.

427. About how many?—As near as I can say, 12 or 13, or 14, or something like that.

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428. Are you sure whether it was not more than that?—I cannot say.
429. Do you think there might be 20?—I should not think there was.
430. You say you saw this man among those 13 or 14?—Yes.
431. You did not see anything done by Marley particularly?—Yes.
432. Merely walking with them?—Yes.
433. About what time of the day?—About 12 o'clock in the day.
434. Would that be the time that men would go to dinner from their work?—Yes, the men mostly go to dinner at 12 o'clock.
435. You mentioned this next morning to Turner, that is, Turner who lives in Morris's house?—No.
436. Turner who lodges in Morris's house?—No.
437. Who is Turner?—He works at the same place as I do.
438. When were you again asked about it with reference to this petition?—It was some time after that.
439. By whom?—By Mr. Wells.
440. Who is he?—He is one of the committee.
441. One of Mr. Lee and Mr. Mildmay's committee?—Yes.
442. Did he tell you where he had heard of this?—No, he did not.
443. By the *Committee.*] You say that this conversation took place between Marley and Lamb outside the Haunch of Venison?—Yes.
444. On the Monday week before the election?—Yes.
445. What time of the day was it?—In the evening, between 9 and 10.
446. That public-house; is it in the street?—Yes.
447. Were there people passing at the time?—Yes, there were a few, not many about; very few just then.
448. Repeat again to the Committee distinctly what the words were which you state Marley used to Lamb on that occasion?—Yes; he comes to Lamb, and says, "You are not all blue," he says, "this time;" he says, "I do not know;" he says, "Your people are not so blue as they used to be;" he says, "You can give us one, cannot you?" "Well, I do not know," he says; he says, "If 5*l.* or 10*l.* is any use to you," he says, "you know where I live;" and Marley says, "Well, you will see what you can do; and Lamb says, "I will see."
449. Your own observation to Lamb afterwards was, what?—After Marley left.
450. What was it?—I says, "There is a good chance for you." "No," he says, says he, "It will not do."
451. Lamb says, "It will not do"?—Yes.
452. That is all you know about it?—That is all that passed.

[The Witness was directed to withdraw.

John Sturgis was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

John Sturgis.

453. WHAT is your business?—A baker.
454. Did you formerly carry on business at Maidstone?—Yes.
455. Where do you live now?—In Bermondsey.
456. Sixty-four Bermondsey-street, I think?—Yes.
457. You have left Maidstone, I think?—Yes.
458. But your name continued on the register?—Yes.
459. I believe you made some inquiry whether your name was or was not on the register?—Yes.
460. Finding it was, you went to Maidstone?—Yes.
461. What day did you arrive at Maidstone?—Friday afternoon, the 30th of March.
462. Friday is not the 30th?—The 31st.
463. It was the Friday afternoon?—Yes.
464. What was going on at Maidstone?—The nomination.
465. What time did you arrive?—About half-past four.
466. Where did you go to put up?—Where did I put up at the first?
467. Yes?—At the Haunch of Venison.
468. Did you go anywhere else afterwards?—The Turk's Head.
469. And, finally, did you get to the Duke of Marlborough?—Yes.
470. Do you know a Mr. Allman?—Yes, very well indeed.
471. What is he?—A baker.

472. Had

472. Had you seen him before you went to the Duke of Marlborough?—No, I had not.

473. When you got to the Duke of Marlborough; what time was it you arrived at the Duke of Marlborough?—About half-past five.

474. How long did you stay there?—About half an hour.

475. Did you then go out?—I went to Mr. Allman's to tea.

476. I believe whilst you were at Mr. Allman's at tea, you made an engagement with him for the next morning?—Yes.

477. What was it?—To go to breakfast with him.

478. After tea, did you go back to the Duke of Marlborough?—Yes.

479. What time did you get there?—About half-past six.

480. How long did you stay there?—A very few minutes.

481. Were you at the Duke of Marlborough late in the evening?—Yes.

482. Do you know a gentleman of the name of Goodwin?—Very well indeed.

483. What is he?—A solicitor.

484. Living where?—At Maidstone.

485. Had you known him before?—Yes.

486. How long?—Eight or nine years.

487. Did you see him?—Yes.

488. What time?—About twelve to one.

489. Where?—At the Duke of Marlborough.

490. By the *Committee.*] At night you mean?—Yes.

491. Mr. *Phinn.*] Where did you see Mr. Goodman; in what room?—In the front of the bar at the Duke of Marlborough.

492. Were you standing in the passage or not?—No; I was going out, and he called me.

493. Did you go to him there?—Yes.

494. Did you have any conversation with him?—He asked me what I would take to drink.

495. What did you say?—I said I was not particular about anything; I did not care about anything.

496. What next passed?—I went out, and I came in again, and he says "Here, I want you, to have a little conversation with you."

497. Did he take you anywhere?—Afterwards we had a glass together, and here was a gentleman came in.

498. First of all, you had a glass together?—Yes.

499. Were you talking?—Yes.

500. Whilst you were talking, did somebody come in?—Yes.

501. Who was that?—Mr. Wells.

502. What is Mr. Wells?—A tailor.

503. Had you known him before?—Yes.

504. When you lived in Maidstone?—Yes.

505. What side was Mr. Wells?—He is the Blue side; the Liberal side, more properly speaking.

506. When Mr. Wells came in, where were you?—I was in the private bar; what they call the private bar.

507. Who was with you?—Mr. Goodwin.

508. What happened when Wells came in?—He insisted upon coming into the private bar, and pushed his hand through the door.

509. Did he say anything to Goodwin?—He says, "You are up to no good here."

510. What did Goodwin do?—They had a word or two of a sort.

511. What does that mean?—They disagreed together.

512. What about?—Why, about his talking to me, I suppose.

513. Just say what passed?—There was nothing particular passed there.

514. I want to know what did Wells say to Goodwin, or Goodwin to Wells, about you?—He said he was up to no good here; nothing more; he insisted on coming into the bar.

515. What did Goodwin say to Wells?—Goodwin says, "You shall not."

516. Did he persist in coming in?—Yes.

517. Did he get in?—Yes.

518. When he got in what did Goodwin do?—He says, "We will go somewhere else."

519. Did you go somewhere else?—Yes.

 520. Where?

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520. Where?—To the Tun, in King-street.
521. Did Wells go with you?—No.
522. Did he follow you?—He and I went together.
523. You cannot say that?—No.
524. To go to the Tuns, did you pass through a street called Church-street?—Yes.
525. On the way to the Tuns did anything take place between you and Goodwin?—Yes.
526. What was it?—What was the conversation?
527. Yes?—He said to me, "If you will vote for us, we will give you 15 *l.* to 20 *l.*; our party, Mr. Hope and Scott."
528. What did you say?—I says, says I, "That is just what I want."
529. What did he say when you said "That is just what I want"?—He says, "You shall have it as soon as the election is over."
530. Did anything more pass about this 15 *l.* or 20 *l.*?—No; we went then to the Tuns, in King-street.
531. Did Goodwin go with you?—Yes.
532. Who keeps the Tuns?—Mr. Ottoway.
533. Have you known Ottoway before?—Yes.
534. And the Tuns?—Yes, and the Tuns.
535. Did you hear Goodwin give any directions to Ottoway?—He said, I was to have what I wanted.
536. Did he say anything more?—"We will go up-stairs."
537. When he said to Ottoway you were to have what you wanted, did he say anything as to payment?—He said, "I will see that is all right."
538. When he said this to Ottoway, where did you go?—Up-stairs, in the front room.
539. If I understand you, you went into the Tuns with Goodwin?—Yes.
540. After he had spoken to the landlord, where did you go?—Up-stairs.
541. Whom with?—Mr. Goodwin, and no one else then.
542. What sort of a room did you go into up-stairs?—A front room.
543. Did Goodwin call for anything?—Yes.
544. What did he call for?—A glass of wine.
545. How many glasses?—Two.
546. What wine?—I cannot say.
547. Are you used to wine?—No; so little used to wine.
548. Who drank the wine?—I drank some.
549. What passed whilst you were with Goodwin; did you have any talk?—No.
550. He gave you a glass of wine?—Yes.
551. What happened next?—I fell to sleep.
552. What time did you wake?—About six o'clock in the morning, very cold.
553. Where did you find yourself when you woke?—On the sofa.
554. Where?—The front room.
555. Up-stairs or down?—Up-stairs.
556. That was the room you had the glass of wine in?—Yes.
557. When you woke did you find anybody in that room?—No one.
558. Did you stay in the room, or go down stairs?—I went down stairs.
559. When you went down stairs did you find anybody up?—About six or seven people in the back of the bar.
560. What were they doing?—Drinking.
561. Were any of them people you could recollect?—Yes.
562. Tell the Committee anybody you saw there?—I saw Mr. Edward Bonner, for one.
563. Who was he?—Turnkey at the gaol.
564. Anybody else?—Yes.
565. Who?—Two or three; I cannot call to mind their names; Featherstone was one.
566. What is he?—He is a hop-grower, a labourer, a man jobbing about.
567. Did you see Ottoway, the landlord?—Yes.
568. Did he offer you anything?—Yes.
569. What?—He offered me something to drink.
570. Did you have it?—Yes.
571. Did you breakfast there?—No, I did not.

572. Where

572. Where did you breakfast?—At Mr. Allman's.

573. What time did you get to Mr. Allman's for the purpose?—About half-past seven to eight o'clock; I will not tell to a minute.

574. Had you any invitation to breakfast at the public-house?—Yes.

575. Whom from?—Mr. Ottoway.

576. You, I believe, declined, and went to breakfast with Allman?—Yes; as I promised overnight.

577. Did anyone go with you to Allman's?—Yes.

578. Who?—Mr. Ottoway.

579. After breakfast how long did you stay at Allman's?—About an hour, or an hour and a half, I might stay.

580. Which way was Allman?—The same party as I have voted for.

581. Who is that?—Mr. Hope and Captain Scott.

582. What time did you vote?—About half-past 12.

583. Did you meet with anybody after voting; do you know Mr. Randell?—Randell at the New Inn.

584. Yes?—Yes, I know him very well.

585. I will not go through all the people you saw; I believe you tried to find Mr. Wickham, did not you?—Yes.

586. Where did you find him?—I did not find him, not till I got to the committee-room at the Bell.

587. You went to the Bell?—Yes.

588. Where did you say you went?—I went to the Star first, and from there to the Bell; there I saw Mr. Wickham.

589. You saw Wickham at the Bell?—Yes.

590. Where did you see him at the Bell?—In the committee-room.

591. Where was that; what room was it you saw him in?—Up-stairs.

592. Was anybody at the door?—I do not recollect whether there was or not.

593. Did you go into the room?—Yes.

594. Did you find there any gentlemen you knew?—Yes.

595. Who?—I will tell you the name directly; he is secretary; Mr. Pearson.

596. Mr. Serjeant *Pigott.*] Where, at the Bell?—Yes; and I went to the Star first.

597. Mr. *Phinn.*] Did you see anyone at the Star?—Mr. Simmonds.

598. Where did you see Mr. Simmonds?—At the top of the stairs.

599. At the Star?—Yes.

600. Had you known Mr. Simmonds before?—Yes, for years; dealt with him.

601. What is Mr. Simmonds?—A hoy-man and wharfinger.

602. Were you in Mr. Simmonds' debt?—No; I have been.

603. Did anything pass between you and Simmonds?—Yes.

604. What?—

Mr. Serjeant *Pigott* objected to the examination, on the ground that Mr. Simmonds' name was not in the list.

605. Mr. *Phinn.*] You had some conversation with Simmonds, which I will not go into; did you afterwards go to the Bell?—Yes.

606. Did you find any gentlemen there you knew?—Yes.

607. Who?—Mr. Pearson.

608. Anybody else?—Several I knew.

609. Tell us the names of anyone of them?—There was Mr. Wickham there, and Captain Scott, the Member, and Mr. Randell, the banker.

610. Have you ever received anything from Mr. Goodwin?—No.

611. What made you vote for Mr. Hope and Captain Scott?—Because I was promised the 15 *l.* to 20 *l.*

Cross-examined by Mr. Serjeant *Pigott.*

612. You say you are a baker?—Yes.

613. Are you now carrying on the business of a baker?—No.

614. You were a baker, you mean?—Yes.

615. What are you now?—I am anything that I can get to do; it does not signify what it is, so that I can get a livelihood.

616. That is your account of yourself; what are you doing, in point of fact?—I am working at the hay and straw wharf.

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617. Who is your master; who is employing you?—Mr. Staff and Braby.

618. Do you mean to say you are in their service now?—Yes.

619. And came from there here to-day?—Yes.

620. Where is that, at Bermondsey?—No; in the Commercial-road; I think it is the Commercial-road; it is near Waterloo Bridge.

621. Do you know where it is you are working?—Yes.

622. The Commercial-road, you say?—I think it is the Commercial-road; I will not tell you the name of the road; it is close to the Waterloo Bridge, opposite the Feathers.

623. How long have you been employed there?—Oh, for this month or five weeks.

624. Are you working on premises which belong to Mr. Lee?—No.

625. Has Mr. Lee got premises adjoining to those?—No.

626. Staff & Braby, you say?—Yes.

627. Who recommended you to that employment?—That I do not know.

628. How did you find it out?—By travelling about.

629. Did you go and ask for employment there?—Yes.

630. Did you take any recommendation there?—No.

631. They took you without knowing you?—Yes.

632. Nobody spoke for you?—Yes, a man spoke for me.

633. Who spoke for you?—A gentleman I know very well, that recommended me.

634. What is his name?—Mr. Mullish.

635. Is he a Maidstone man?—No, he came from Birley.

636. Where is Birley?—About six or seven miles from Maidstone.

637. He had known you there?—Yes.

638. Have you been insolvent since you have given up your business and become a workman on the wharf?—Yes, I have.

639. When did you become insolvent?—I became a bankrupt in 1854.

640. Have you not been a baker since then?—Yes.

641. A journeyman?—Yes, and a master too.

642. Have you been insolvent since that time?—No.

643. When did you leave Maidstone?—In November.

644. Last?—Yes.

645. Who told you to go down to Maidstone and vote, after you had left it and ceased to be a householder there; did any one?—No.

646. You went of your own accord?—Yes.

647. You went to several houses, it seems; first, to the Haunch of Venison, then the Tun, then the Turk's Head, and to the Duke of Marlborough; why were you running about to all those houses?—To see different people.

648. Did Mr. Jails go with you to the Duke of Marlborough?—I do not know such a man in Maidstone.

649. Did Mr. Argles?—No.

650. Was he with you at the Duke of Marlborough?—No.

651. Was a Mr. Charles, a baker, with you at the Duke of Marlborough?—No.

652. Mr. Horace Simmonds?—I do not know such a person.

653. A Mr. Simmonds; any Mr. Simmonds?—No.

654. Or Mr. Featherstone?—Yes, Mr. Featherstone; I saw him.

655. You saw Mr. Featherstone at the Duke of Marlborough?—Yes.

656. Had you been drinking at those different houses before you got to the Duke of Marlborough?—Well, I had been taking a glass.

657. A glass here and a glass there, I suppose you mean?—Yes.

658. You were getting rather tipsy towards the afternoon at the Duke of Marlborough?—No; I was not there before the evening, so that I could not get tipsy; I was sober enough when I went from London.

659. What time did you get to Maidstone?—Half-past four.

660. There was plenty of time between that and 12 o'clock to get tipsy?—God bless my soul! I should think not; not in a few hours.

661. You mean to tell the Committee you were not tipsy at the Duke of Marlborough?—No.

662. You say you were not tipsy?—No.

663. Did you ask for a bed?—Yes.

664. Why did not you get a bed?—Because I was taken away.

665. Where

665. Where did you sleep?—On the sofa at the Tuns.

666. Where was it you asked for your bed?—At the Duke of Marlborough.

667. Will you tell us any reason why you could not have gone back from the Tuns to your bed at the Duke of Marlborough?—Because I fell asleep.

668. Was that because you had been drinking?—No; because I had been tired.

669. Nothing to do with the drink?—No.

670. What part of the evening, about what o'clock, was this said to you about 15 *l.* or 20 *l.*?—Between 12 and 1 o'clock.

671. At night?—Yes.

672. Was any one present in the street besides yourself and Goodwin?—Yes; there was two or three persons; not then, when it was said; this was a conversation that passed between the Duke of Marlborough and the Tuns.

673. As you went from the Duke of Marlborough to the Tuns this conversation passed?—Yes; there was nothing of the sort transpired when we got to the Tuns, only I was to have what I wanted.

674. Was the offer made to you as you walked along the street from the Duke of Marlborough to the Tuns?—Yes.

675. As you and Mr. Goodwin walked up the street?—Yes.

676. Did anybody walk with you?—Behind us.

677. Who walked behind you?—There was seven or eight behind us.

678. Seven or eight close behind you?—Some distance; some, perhaps, might be close to him and me.

679. Did you look round at them?—No.

680. Did you all set out together?—They set out directly afterwards; I suppose they followed us.

681. You know whether they came out of the house at the same time as yourself and Goodwin?—They came out in the same party.

682. Did they walk by the side of you, any of them, on the road?—They were very close to us.

683. Were they close enough to hear any thing that was said?—I do not think they was.

684. Was it said in an audible tone of voice?—In a whispering voice, the same as we had been talking in before.

685. As though it was to be a secret?—Yes.

686. Did you ask for some part of the money; did you want part of it then?—I said I should like to have it as soon as the election was over.

687. You wanted it, did you?—Yes, I did.

688. You were very short of money at that time?—Yes.

689. What were you earning; were you in work at that time?—A mere nothing.

690. I ask you this; did you not go to Mr. Goodwin, and say to him, "If you will give me 5 *l.*, I will vote for Messrs. Hope and Scott"?—No.

691. I put it to you?—No.

692. Did he not say to you, "I will not give you 5 *l.* if you could give us 500 votes"?—No.

693. Or anything to that effect?—No.

694. "I will not give you a shilling if the election depended upon it;" did not he say that?—No.

695. Nothing to that effect?—No.

696. What time of the day was it when you voted?—About 12 to half-past 12; I cannot say to a minute; it must have been nearly one; that is as near as I can tell you; I did not look at the clock.

697. Have you been in the employment of Mr. Lee since the election?—No, I have not seen Mr. Lee.

698. What are you earning now?—Eighteen shillings per week.

699. How long have you been earning that?—About five weeks.

700. Have you a family dependent upon you?—Yes.

701. When you went up to the poll, did you offer to take the bribery oath?—No.

702. You did not?—No.

703. You are quite sure of that?—Yes.

704. You were quite sober that day?—Quite sober.

705. You say you went to find Mr. Wickham?—Yes.

 706. Where

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706. Where did you go to find Mr. Wickham?—To the Star.

707. What did you want with Mr. Wickham?—I wanted to see him; nothing very particular.

708. About the election?—Yes.

709. Had you known him before?—Many years.

710. What did you want of him?—I wanted to know if it was right about this money; whether I was to have it or not before I voted.

711. You did not find him?—No.

712. Not at all?—Not till I got to the committee-room, after I voted.

713. Had you given up the search?—Yes.

714. You did not see him till after you had voted?—No.

Examined by the *Committee.*

715. Did you vote on any former occasion?—Yes.

716. Whom did you vote for on the former occasion?—The election before?

717. Yes?—Mr. Lee and Whatman.

718. You stated that it was in Church-street, on your way to the Tun, that Mr. Goodwin offered you 15 *l.* or 20 *l.*?—Yes.

719. Were you aware when he made you that offer, that offering or accepting a sum of 15 *l.* or 20 *l.*, or a bribe of any kind, is a crime?—Well, I was not quite aware of that.

720. You stated when you arrived at the Tun, that you went up-stairs with Mr. Goodwin?—Yes.

721. How long did you remain before, as you say, you went to sleep: how long was Mr. Goodwin with you?—I cannot say; perhaps he might be half an hour.

722. Had you a conversation with him then?—Yes.

723. There were people in the street at the time you say Goodwin made you that offer, close to you?—Yes.

724. Was anybody by at the time when the conversation passed between you and Goodwin at the Tun?—No; not when we first went up; we went into a private room.

725. Was there at any time before you went to sleep?—I do not recollect.

726. Did Mr. Goodwin at any time in the Tun, before you went to sleep, renew his offer, or say anything more about the 15 *l.* or 20 *l.*?—No.

727. Did you say anything to him?—No.

728. You are sure of that?—Yes.

729. You will not undertake to say that there was no one in the room with you and Goodwin?—I went so soon sound off to sleep.

730. You state you were perfectly sober?—I do not say I was perfectly sober, but I was not tipsy.

731. You were so tipsy, that you could not recollect whether you were alone with Goodwin, or whether there were other people in the room?—We went in alone.

732. You do not remember whether anybody else came into the room?—There might be.

733. You will not say that?—I cannot say that.

734. You are quite sure Mr. Goodwin did not repeat the offer of 15 *l.* or 20 *l.* in that room at the Tuns when you were by yourselves?—No.

735. You do not know what time Mr. Goodwin left; he went before you went to sleep?—About one o'clock; it might be two.

736. You have been apprised that it is a crime, for which a man is punishable, to accept a bribe, or to receive an offer, or to require a bribe at an election, now?—Yes.

737. In reply to a question from one of the learned counsel, you stated that you were influenced to vote at the election by the anticipation of receiving a bribe; is that the case?—Yes, that is the case.

738. Did you pay for any of the drink which you got at those different public-houses?—No.

739. Do you know who paid?—No, I do not.

Re-examined

Re-examined by Mr. *Phinn*.

740. You told my learned friend that your object in seeing Mr. Wickham was to ascertain whether it was all right about the 15 *l.* or 20 *l.* ?—Yes. *John Sturgis.* 3 July 1857.

741. Did you ascertain from him at any time whether it was so right ?—No, I did not.

742. Did you have any conversation with him upon the subject ?—Not any.

743. By the *Committee.*] You have stated this evidence; what is your reason for coming forward and giving this evidence to the Committee ?—Because they have not acted as they promised.

744. Your reason for giving this evidence is, that you feel you are disappointed in the promise that was made to you ?—Yes, I be.

745. Mr. Serjeant *Pigott* (through the *Committee*).] When did you give information that you were disappointed in the promise you say had been made to you ?—I cannot say to a day.

746. About when ?—Some time in May, or the latter part of April.

747. To whom did you give the information ?—To Mr. Randell and Mr. Pyne.

748. Where did you give it ?—At my own house.

749. What was their object in going to your house ?—I do not know; they called upon me; I do not know what their object was.

750. You have told us you never received any money; did you ever ask Mr. Goodwin for the money ?—No.

751. You never have asked for it ?—No; he promised it should be sent me.

752. Why did not you ask ?—Well, I did not like to ask after the man had promised it; I thought it was his place to fulfil his promise.

753. When did you return to Bermondsey ?—Sunday morning.

754. It is a good while since the election now ?—Yes.

755. Did anybody pay your expenses down and back ?—Yes, the committee.

756. Who was the person that gave you the money ?—Mr. Pearson.

[The Witness was directed to withdraw.

Thomas Wells was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

757. ARE you a tailor, living at Maidstone ?—I am. *Thomas Wells.*

758. Do you know the last witness, Sturgis ?—I do.

759. Did you see him in company with Mr. Goodwin at any time ?—I did.

760. When ?—The night before the election.

761. What time ?—About half-past 11 or 12, I should think it was, as near as I can say.

762. Where ?—At the Duke of Marlborough.

763. Where, at the Duke of Marlborough, did you see him ?—In the small room in front of the bar it was.

764. Will you tell us what passed between you and Mr. Goodwin and Sturgis ?—I went into the Duke of Marlborough, having heard that Sturgis was there, and knowing that he had promised to vote Mr. for Lee and Mildmay; and I was in there a minute or two, and Mr. Goodwin came in, and I saw him. He passed me, and went into the little place in front of the bar, where there is about room for two or three to stand. I fancied I saw him go in, and I saw a person look round over the bar, and I thought probably that was Sturgis; seeing Mr. Goodwin go in there, confirmed my opinion. I then pushed the door, and endeavoured to get in; I found I could not. Whether some one endeavoured to hold it on the opposite side or not, I do not know. I pushed it very hard, and got in, and there I saw Sturges, either standing behind the door, or sitting behind it, and Mr. Goodwin with him, in close conversation.

765. Was anybody in the room besides Mr. Goodwin and Sturgis ?—No.

766. Did you find them actually in conversation ?—Yes, actually in conversation.

767. What did you say when you forced your way in ?—I said, "How do you do, Mr. Sturgis ?" I introduced the question of the election, knowing that he had promised us.

768. What did he say ?—I asked him how he did. Ultimately I asked him whether

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whether he would vote for us, and he took offence rather. He did not see why he should be intruded upon in that way, and Mr. Goodwin immediately said, "No, nor I;" and he came up to me, and said either that he was a damned good mind, or some word equivalent to it, to give me a punch on the head.

769. Will you tell us what passed between you and Mr. Goodwin in the presence of Sturgis; I must confine you to that?

Mr. Serjeant *Pigott* objected to the question.

The Witness was directed to withdraw.

The *Chairman* stated that the examination might proceed.

The Witness was again called in.

770. Mr. *Phinn.*] Will you tell us what passed between you and Mr. Goodwin, in the presence of Sturgis; I must confine you to that?—Mr. Goodwin said, after I had been conversing with Sturgis upon the election, he said, "I am a damned good mind to give you a punch on the head as I ever was in my life." I said, "If you do, I will pay you back in the same coin." I thought he would have done so; however, the noisy conversation immediately brought several other friends to the front of the bar, and the conversation stopped, so far as Mr. Goodwin was concerned. I was conversing with Sturgis afterwards, in front of the bar, with several other people, without Mr. Goodwin.

771. Can you tell me the name of anybody that was there that saw Mr. Goodwin and Sturgis together besides yourself?—They could not see me.

772. Who saw Mr. Goodwin present at this public-house?—Yes.

773. Mention the name of anybody?—Mr. William Randell.

774. Anybody else?—Mr. Gilliam.

775. Who is Mr. Gilliam?—He is a retired gentleman, I believe.

776. Which side is he, Blue or Purple?—On the opposite side.

777. Purple?—Yes.

778. How long did you stay after this occurrence at the Duke of Marlborough?—About 20 minutes, I should think, or half an hour.

779. Did you see anything more of Sturgis?—All the time I was there.

780. Did you leave first, or did he?—I believe I left first; but there were 20, I should think, afterwards.

781. Did you see Goodwin speak to Sturgis after this transaction?—No, I did not.

782. Mr. Serjeant *Pigott.*] You mean 20 in the room?—Front of the bar.

783. Mr. *Phinn.*] Did you see Sturgis quit the house?—I did not.

784. In consequence of Sturgis's vote, was some inquiry made there?—There was.

785. How soon after the election?—I should think in the course of a few days after.

786. Just answer me this, yes or no; did you mention what had occurred between you and Goodwin to anybody?—I did.

787. How soon after the occurrence?—The same evening.

788. Whom did you mention it to?—I mentioned it to a great many; anybody that I met with almost.

789. You mentioned it generally?—Yes.

790. Did you take an active part in favour of Mr. Lee and Mr. Mildmay at the last election?—Yes, I did.

791. Were you at that time watching to protect their interests?—Yes, I was.

Mr. *Phinn* stated there were many other matters to which this witness would speak, and therefore he should have to recall him at another period of the inquiry.

Cross-examined by Mr. Serjeant *Pigott.*

792. Was that an open place at the front of the bar?—I will explain how it was. The bar is divided; if this is the bar, and the landlord is standing behind the bar, in your position at that table, then there is a partition goes across.

793. You say there were 20 persons in there before you left?—Not this side the bar.

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Re-examined by Mr. *Phinn.*

794. When they were together, were they in separate parts?—Yes.
795. With the door closed?—Yes.
796. By the *Committee.*] Into which room you forced your way?—Yes.
797. Were you alone?—Yes.
798. Mr. Serjeant *Pigott.*] There is an open bar?—It is partitioned off.
799. How high does the partition go?—Up to the top.
800. Is it a room, in fact, with a partition or bar all round?—With the exception of the front of the bar.
801. And it is open?—Nobody could get into it only as I did.
802. Is it open on one side of the room to the bar?—No.
803. How is it opened at the bar?—At the end of the counter.
804. One side of it divided by the counter?—No; the counter goes right up the length of the house; the length of the bar.
805. Is the room formed at one end of the counter, with the bar by the side of it?—No.
806. Here is the room; I suppose we may take that to be the room; is there an opening on one side (*showing to the Witness a piece of paper*)?—Here it was the 20 people stood.
807. You say a little room?—Yes, that I forced my way in.
808. The bar is the same height here that it is there?—Yes.

[The Witness was directed to withdraw.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 4° die Julii 1857.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

The Names of the Members were called over; all present.

Samuel Quinton was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

S. Quinton.

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809. WHAT are you?—A paper-maker.
810. Where do you reside?—Ashley-street
811. Where?—Maidstone.
812. Do you work at Messrs. Hollingsworth's mill?—Yes.
813. Do you know a public-house called the Tuns?—Yes.
814. Do you remember passing the Tuns on the polling-day?—Yes.
815. What time in the morning was it?—It was from five to half-past five; I should think about 20 minutes past five.
816. Were you going to work?—Yes.
817. Do you remember seeing a bill in the window?—Yes.
818. I believe that attracted your attention?—Yes, I stood and read it.
819. Whilst you were reading the bill, did you see anybody?—Yes, the landlord came to the door.
820. Who was that?—Mr. Ottaway.
821. Did you go in?—I asked him whether Bob ——
822. You made an inquiry for somebody?—I asked the landlord, "Is Bob Short in there?" he said, "No, but I want you there."

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823. Do you know a man named Sturgis?—Yes.

824. Did you see him there?—Yes, I did.

825. Did you see him directly you got in?—I can hardly say that I did see him directly I got in.

826. How long had you stayed there before you saw Sturgis?—I was not there above 20 minutes; perhaps in about five minutes.

827. What sort of condition was he in; how was he dressed?—He was dressed in a kind of frock coat, or something like it.

828. Had he got his coat on when you saw him?—Yes.

829. Was he making inquiry for another coat?—Yes.

830. Do you remember whether that was given him or not?—I never see it.

831. But you are quite sure you saw him there?—I saw him there.

832. By the *Committee.*] What was the election bill?—"A long pull, a strong pull, and a pull all together, to win the election."

833. Mr. *Phinn.*] A pull for whom?—For Hope and Scott.

Examined by the *Committee.*

834. What time of the day was this?—I should say from 20 minutes past five to half-past five.

835. In the morning?—Yes.

836. Was Sturgis sober?—No, he was not exactly sober; he looked as if he had had a little; he was not exactly sober; I should not take him to be sober.

[The Witness was directed to withdraw.

Henry Dunnage was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

H. Dunnage.

837. ARE you a miller?—I am.

838. Were you living at Maidstone at the last election?—I was.

839. Where were you living there?—In Wheeler-street.

840. Did you work for any one there?—I worked for a man of the name of Parton.

841. Are you now living at Maidstone?—I am not.

842. Where are you living?—In London.

843. Where?—My place of residence is Wellington-street, St. Luke's.

844. Are you employed in London?—I am.

845. Where?—At King's Cross.

846. The Great Northern Steam Flour Mills?—Yes.

847. Had you a vote at the last election?—I had.

848. Had you been a voter at any previous elections?—No.

849. Had your vote been objected to?—It had, by the Conservatives.

850. And was it supported by anyone for you?—By the Liberals.

851. Do you remember the Wednesday before the election?—I cannot speak positively to a day.

852. Do you remember seeing Mr. Hope any day before the election?—Yes.

853. What day was it, do you recollect?—Probably Wednesday.

854. Did anybody come with him?—Yes, a person by the name of Gilliam.

855. Do you know his christian name?—I believe William, but I cannot speak positively as to that.

856. What did Mr. Hope do?—Solicited me for my vote; and I told him I considered myself in duty bound to the Liberals. I told him why, namely, that the Conservatives objected to my vote, my name being retained on the list of voters at the last registration court, and the Liberals defended my claim to have it retained there; therefore I considered I was in common honour and honesty bound to the Liberals.

857. Had you, in fact, given any promise to the Liberals at that time?—A part promise; I said sufficient for them to consider me as one of them.

858. Did Mr. Hope and Mr. Gilliam then leave you on that day?—They first said, "Do you not"——

859. Who said that?—Mr. Gilliam, or Mr. Hope.

860. We

860. Were they both together?—Yes; they said it was a man by the name of Norton who was the cause of my name being objected to, and he had damned the whole party.

861. What is Norton; do you know him?—An auctioneer; I do not know him personally.

862. Did Mr. Hope then leave you?—After again pressing me to vote for him. I did not give him a promise; I said I would think of it.

863. Do you remember the nomination day?—Yes.

864. Did you see Mr. Parton that day, your master?—Most likely I did.

865. Where did you have any conversation with Mr. Parton about your vote?—He came to me whilst I was at work, and asked me if I had a vote, and I told him "Yes." He asked me who I intended to vote for, and I told him I could not exactly tell him; he then said he was a strong Purple himself, and he would advise me to vote for the Purples. I told him I had been solicited to vote for Hope only, and he said he would advise me to vote for Hope and Scott, thus identifying myself with the Conservative party. I might as well vote for them, and get 5*l.*, as vote for the other party, and get nothing.

866. Was anybody by when he said this?—One of my workmates was near enough to hear a portion of what was said.

867. Who was that?—A man by the name of Lee.

868. After that, did you see Mr. Hope and Mr. Gilliam again?—Yes, shortly after that.

869. On that same day?—Yes.

870. Where did you see them?—At the Mill.

871. Where you were working?—Where I was working? yes.

872. Was anybody there besides Mr. Hope and Mr. Gilliam?—No.

873. Mr. *Venables.*] What day was this?—It was the nomination-day, or the day before; I am not certain whether it was the Thursday or the Friday.

874. Mr. *Phinn.*] It was one of those days?—Yes.

875. The same day you spoke to your master?—Yes.

876. You saw Mr. Hope and Mr. Gilliam for the second time?—Yes.

877. Do you remember Mr. Hope saying anything to you then?—Nothing very particular; only as to his principles, and so on.

878. Just tell us the conversation, because that may identify the day?—Yes; he said he was a liberal Conservative; he was in favour of education, and so on.

879. Did anything pass about your vote with Mr. Hope and Mr. Gilliam?—No; only again pressing me to vote for them.

880. What did you do then?—I did not promise; I would not promise them.

881. Did Mr. Hope then turn from you?—Mr. Hope and Mr. Gilliam came again after the nomination.

882. That would be on the Friday?—On the Friday, about five o'clock in the afternoon.

883. Where were you then?—At work at the mill.

884. Will you tell us what passed upon that occasion?—Mr. Gilliam again, as before, pressed me to vote for them. He said they had a hard struggle to fight on the following day, and that he was anxious to get Mr. Hope returned. I hesitated for a long time, in fact for several minutes; and at last Mr. Gilliam laid his hand upon my shoulder, and said, "You may take my word as a man, if you vote for Mr. Hope, you will not regret it." The reply I made, after hesitating some little time, was, "You may take my word as a man I will vote for him."

885. Was Mr. Hope near enough to overhear what Mr. Gilliam said to you?—I should say he was near enough to hear it if he had been so minded.

886. Do you remember meeting Mr. Gilliam after the election?—Yes; I met him about the first or second week in May, perhaps, one evening, in Union-street; he was going up, and I was going down.

887. What passed between you upon that occasion?—The conversation turned principally upon that petition that had been presented against the return of Messrs. Hope and Scott; he said he was very sorry it was the case. Mr. Hope had sent his solicitor down, and had been examining cases four or five weeks, and they could not make out where the other parties had got their cases from.

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He said he was in high hopes that all would have been quiet; that they should before this have squared off with the electors.

Cross-examined by Mr. Serjeant *Pigott.*

888. You say that you have left Maidstone?—I have.

889. How came you to leave Mr. Parton, your master, at Maidstone?—We could not agree exactly.

890. Did he give you your dismissal?—Yes; though I think perhaps I might have remained with him if I had not suited myself elsewhere.

891. He gave you your dismissal?—Yes.

892. You think you might have made it up if you tried?—Probably I might; I do not know that I could.

893. What did he dismiss you for?—He supposed I was not competent to discharge the duties of my office that I then filled.

894. When did he dismiss you?—I do not know exactly the date; something like the 23d or 24th of May.

895. When did you go and give information to the other side about anything that was said to you by him?—I was waited upon last Tuesday week, I think.

896. You were waited upon last Tuesday week; you had not given any information yourself to anybody?—No.

897. Not mentioned this couversation?—I might have mentioned it.

898. But have you; you might have done anything?—No, I did not.

899. Who waited upon you?—Mr. Wilson.

900. At your new residence in St. Luke's?—At my place of work.

901. Who is Mr. Wilson?—I believe a solicitor.

902. From Maidstone?—From London.

903. A London attorney?—I believe so.

904. You did not know him before?—No.

905. And you then told him this story, did you?—Yes.

906. Or did you not tell him then?—I told him then.

907. That was the first time you had told anybody?—Yes.

908. Do you remember when Mr. Gilliam canvassed you your saying to him a little assistance would be very acceptable?—I do not remember anything of the sort, and to the best of my belief nothing of the sort transpired between us.

909. Will you undertake to say that when Mr. Gilliam canvassed you upon any one of the occasions, you did not say anything to the effect that a little assistance would be very acceptable?—I think not.

910. That is a faint answer; will you undertake to say that you do not recollect that?—I should be very sorry to swear if I did; to the best of my belief I did not.

911. I am telling you that I am told you did so; are you able to say you did not?—I will not positively say I did not, but to the best of my belief I did not.

912. Do you remember Mr. Gilliam saying to you, in answer to some application of that kind from you, anything to this effect: "I would not give a fraction to any one for a vote, or hold out any promise whatever"?—No.

913. Did he go on to say, "In fact there is an Act so strict, that a glass of beer would upset the election"?—He said nothing of the sort.

914. Nothing of the kind?—Nothing of the sort, or my memory is very treacherous.

915. I tell you that I am instructed that he did; had you known Mr. Gilliam before?—I had not.

916. What were you earning at that time?—About 30 *s.* a week.

917. Have you a family?—Yes.

918. With regard to what you have said that Mr. Parton said to you, will you tell me again what Mr. Parton said to you when he asked you to vote, or to become a Purple?—When I told him that I had been solicited to vote for Mr. Hope only, he said he would advise me to vote for Mr. Hope and Scott, and then the Conservative party would consider me as one of theirs, and I might as well vote for them, and get 5 *l.*, as to vote the other way, and get nothing, as they was very liberal towards the electors.

919. "As

919. "As they were very liberal towards the electors," you have now given us for the first time; do you say that that occurred?—Yes.

920. You recollect that?—Yes.

921. Your memory is very good to remember the words; you remember the words?—It was something to that effect; they may not be the very words; that was the meaning.

922. You saw Mr. Gilliam the first or second week in May; have you ever applied to Mr. Gilliam for anything since that time?—No.

923. Or to anyone else?—No.

924. How long were you out of work between the time of your leaving Mr. Parton and your going to St. Luke's?—Not a single day.

925. You did not lose any time?—No.

926. Did you know where Mr. Gilliam lived?—Yes; he told me his place of residence when he was canvassing.

927. You knew who it was before?—I had seen him during the election in company with Mr. Hope.

928. When did you say you left Maidstone?—I think Sunday, the 24th of May.

929. You have given us the conversation which you say happened when he said that he hoped that they would square up with the electors; I ask you now whether you have not called after the time when you allege this conversation to have taken place in May; whether you have not been to Mr. Gilliam's house, and asked him to lend you some assistance?—I went to Mr. Gilliam's house, but saw him not.

930. What did you go for?—I wanted to speak with him.

931. By the *Committee.*] When was that; when did you go to Mr. Gilliam's house?—I do not know the exact date; perhaps two or three weeks previous to the 24th of May; it was one evening I called at his place of residence, and he was not at home.

932. Mr. Serjeant *Pigott.*] You say you did go to his house; had you been to his house before the time when you allege this last conversation to have taken place?—Yes.

933. You did not find him at home?—No.

934. Did you not meet him in the street after that, and say to him, "I have been to your house, sir, to ask if you could render me a little assistance"?—No; I went to his house; I told him I had called once, and I wanted to see him.

935. You went to his house, but you did not say you wanted to see him, because you wanted a little assistance?—Certainly not.

936. Did not you go on to say at this same interview in the street, "I have been to your house" (I take that fact which you admit), "but I would not ask you for anything, as there is a petition going on"?—(*The Witness hesitated.*) I do not recollect the exact words that passed, but it might be something to that effect.

937. Did you say, "I have been to your house, but I would not ask you for anything, as there is a petition going on;" what had you been to Mr. Gilliam's house for; had you been to him to ask him for assistance?—I wanted to have a little conversation with him about different matters.

938. Upon different matters?—I wanted to emigrate, for one thing; I wanted his advice upon that subject, for one thing.

939. Did you want him to lend you something; to let you have some assistance towards emigrating?—I wanted his advice about it; what he thought about it.

940. You wanted his advice about emigrating?—That is one of the subjects I should have spoken of.

941. Do you mean to tell the Committee that you did not go there for the purpose of asking him for money?—I do not mean to tell the Committee anything of the kind; had he been at home, I cannot tell what might have turned up; I cannot say.

942. You did not go there with any intention in your mind of asking him for money?—Not exactly so.

943. Wanting to emigrate, you went to ask for his advice, among other things?—Yes.

944. If you had got this promise, and wanted the money, as you were going to emigrate, why did not you go and ask for something?—There was no positive promise

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promise given to me for any money; all that was said was, "If you vote for Mr. Hope, you will not regret it."

945. I understand you to mean by that that you did not take it as any promise to you?—I thought if I wanted any assistance at any time probably they might have rendered it to me.

946. Was it upon that notion you went to tell him that you meant to emigrate?—That I had some thought of emigrating to better my condition.

Examined by the *Committee.*

947. You say that there was some conversation between you and your employer, Mr. Parton, in which mention was made of your getting 5*l.*?—"I might as well vote for the Conservatives, and get 5*l.*, as to vote the other way, and get nothing."

948. You had not formed any intention of voting at that time for Mr. Hope and Captain Scott, as I understood you to state?—No, I had not; my leanings was the other way.

949 Repeat again when it was that you came to the resolution of voting for Mr. Hope and Captain Scott?—On Friday evening, after the nomination.

950. Tell me what it was that led you to form the resolution of voting for them?—The principal was, my employer advised me to do so; I thought perhaps it would be best for me to do so.

951. It was not the expectation of the 5*l.* that induced you to change your politics?—There was no positive promise of 5*l.* offered to me, only I might as well vote that way, and get the 5*l.*, if there was any to be got, as vote the other way, and get nothing.

952. Are the Committee to understand you to state that your reason for voting for Mr. Hope and Captain Scott was the advice which you had received from parties who had influence over you?—The advice of my employer, and the promise given to me by Mr. Gilliam on behalf of Mr. Hope that I should not regret it.

953. Did you, or did you not, in your mind, connect that with any promise of money for your vote?—Candidly speaking, I did.

954. Although you did not consider, as you have stated, that it was a distinct promise?—It was not a distinct promise; I could not take it as such.

955. It was not the promise of the 5*l.* that induced you to vote?—It was the advice of my employer, he being a strong Purple.

956. The general advice of your employer?—Yes; he advised me to vote for the Conservatives.

957. Do you mean to say although no promise was made to you of 5*l.*, your expectation was that you would get 5*l.*?—That I might get assistance if I required it.

958. I am not talking of assistance; I am talking about this 5*l.*; though no promise was made, did you expect that you would get 5*l.* if you voted for Mr. Hope and Captain Scott?—I thought I should get 5*l.*, or that I should get something.

959. What did you mean by saying that you thought it would be better for you to vote?—Well, in the first place, I thought it was likely, if I voted the other way, my employer, being a strong Purple, I might very unceremoniously be told my services were not required any longer; having a numerous family to maintain, looking up to me every meal for their daily bread, it would be a very serious inconvenience to me to be turned off in a hurry in that way: that was the light that I looked at it in: I thought I might be able to prevent that, if I voted for the Conservative candidate.

960. If I read your evidence right, you do not seem to have been so much influenced by your employer as you were by some conversation which you had subsequently with Mr. Gilliam, because you seem not to have given any promise to Mr. Parton that you would vote for the Purple party: you seem to have reserved your promise till a stranger, whom you scarcely knew, came to you?—Well, all things considered, when I looked upon the manner in which the Purples and the Liberals had behaved to me——

961. Answer my question. You say, in answer to a question that has been put to you, that you changed your mode of voting because it pleased your employer

employer, but I read from your evidence that you did not do so; that you waited till you had seen a man of the name of Gilliam; that he had touched you upon the shoulder, and said something about "Depend upon it, it will be to your advantage;" and you answered him, "Depend upon it you would vote"?—It was that and the advice of my employer together.

962. In fact you promised Mr. Gilliam?—I promised Mr. Hope I would vote for him on the Friday evening.

963. In company with Mr. Gilliam?—Yes.

964. I think one conversation with Mr. Gilliam was subsequent to the conversation with Mr. Parton?—No.

965. It was sometime after the election before you went to Mr. Gilliam's house?—Sometime after the election.

966. You made no attempt to see him until that time when you went to his house?—No. I called at his house; he was not then at home. I never repeated my visit to his house.

967. You went there, you say, to converse with him generally, and, among other things, you might have conversed with him about having some advantage in consequence of voting?—Wanting to emigrate, in consequence of what transpired at the election. I thought he might be the means of rendering me some assistance to do so.

968. Did you conceive, under all the circumstances, that that was anything like an engagement, or contract, or promise, that you were to receive a consideration of 5 *l.*, or any other sum of money for voting?—I consider that there was a sort of promise to render some assistance any time, if I should want it; because he gave me his address, and told me where to find him; he said, "I shall know where to find you."

969. Nothing more than that general intimation?—Nothing more than a general promise.

970. In fact, you considered that you had a claim upon the gratitude of the party for whom Mr. Gilliam was engaged?—I did.

Re-examined by Mr. *Phinn.*

971. You tell us that you did not know this gentleman before?—I do not recollect that I ever saw him; I might have done so, but never had any conversation with him.

972. Did you know where he lived before?—No.

973. The Committee have asked whether you understood what Mr. Gilliam said to you: what did you understand by his giving you his address?—If I wanted to see him upon any business, of course he gave his address, that I might know where to find him. He said he should know where to find me.

974. When you saw Mr. Gilliam, and promised your vote, did you recollect what Mr. Parton had said to you?—Of course I did; it was quite fresh in my memory.

975. When Mr. Gilliam said to you that he hoped the petition would be over, and they would be able to square up with the voters, what did you understand by that?—He intended making them a present who had voted for the Conservative candidate.

976. Did you connect that in your mind with what had passed with Mr. Parton?—I connected the whole affair; it all appeared to be connected.

977. You connected the whole affair together?—Yes.

978. When you promised to vote for Mr. Hope and Captain Scott, had you in your mind what Mr. Parton had said to you?—Yes.

979. You were asked by my learned friend about your giving information after you voted: did the people on the Blue side say anything to you, calling it to your attention, the changing your mind?—There was several hints thrown out, and unpleasant observations made.

980. You were chaffed?—Chaffed, if you please.

981. Did you mention that you had seen Mr. Gilliam?—No.

982. Or Mr. Parton?—I said nothing till after I had left Maidstone.

983. Then you let it out?—I let it out when I was asked.

[The Witness was directed to withdraw.

Edward Lee was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

E. Lee.

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984. I BELIEVE you are a workman in the employ of Mr. Parton?—Yes.
985. Are you still in his employ?—Yes.
986. Were you in his employ during the election?—Yes.
987. Do you remember Dunnage working at Mr. Parton's?—Yes.
988. What was he?—He was what is generally called a stoneman.
989. What are you?—I am the same.
990. Were you under him, or were you his equal?—I was his equal; I sit beside of him.
991. Do you remember hearing any conversation between Mr. Parton and Dunnage about his vote?—Yes.
992. Do you remember when that was?—The day before the nomination, I think.
993. Where was it?—On what we call the stone floor in the mill.
994. Was the machinery going all the time?—Yes.
995. Did you hear the whole of what passed?—No, I did not.
996. Will you tell us how much of it you heard; what did you hear?—I heard him first ask who he was going to vote for; after that, I did not hear anything more till I heard 5 *l.* mentioned.
997. You did hear that?—Yes.
998. What were the words?—I only heard the words 5 *l.*
999. I suppose whilst the machinery is all going it is very difficult to collect a whole conversation?—I could not do it; you can now and then hear a word.
1000. Are you still in Mr. Parton's employ?—Yes.

Cross-examined by Mr. *Venables.*

1001. Were you a voter?—No.
1002. Did you hear anything else except the words 5 *l.*?—No.
1003. By the *Committee.*] Did you hear any promise of 5 *l.*?—No, I did not; I asked Dunnage what he said about 5 *l.*

Re-examined by Mr. *Phinn.*

1004. What did he say?—Dunnage said he had promised 5 *l.* at Christmas if he would vote for them.
1005. By the *Committee.*] When did Dunnage tell you that?—The same time.
1006. You did not hear the promise?—No.
1007. But you distinctly heard the words 5 *l.*?—Yes.

[The Witness was directed to withdraw.

Thomas Harrison was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. Harrison.

1008. WHAT are you?—I am a bricklayer by trade.
1009. Where do you live?—At Maidstone.
1010. Where, in Maidstone?—Wheeler-street, No. 21.
1011. Are you a voter?—I am.
1012. How long have you been a voter?—From two to three years?—I cannot say.
1013. You never voted before the last election?—No, I did not.
1014. Had you been canvassed previously to the nomination day by anybody?—I had.
1015. Who for?—For Messrs. Lee and Mildmay.
1016. Had you made any promise?—I had.
1017. What promise had you made?—I promised Messrs. Lee and Mildmay.
1018. Do you know a Mr. Benjamin Ruck?—I do.

1019. What

T. Harrison.

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1019. What is he?—He is an ex-builder, as you term it.

1020. A retired builder?—No; he has been a bankrupt.

1021. Do you remember seeing him on the day of election, on the day of the poll?—I did.

1022. What time on that day?—It might be about 10 o'clock, between 9 and 10; I cannot say positively, not to a few minutes.

1023. Had you voted when you saw him?—No, I had not.

1024. Where was it you saw him?—I saw him at the back part of Chittington House.

1025. Is that in the town?—Yes.

1026. Had you known him before?—Oh, yes.

1027. Had you worked for him?—No.

1028. Did he say anything to you?—He asked me whether I had got a vote.

1029. What did you say?—I was rather silent at first.

1030. What more passed?—He asked whether I had voted, and I gave him to intimate that it was no business of his. I said I had been up two or three times, and there was so many round, I was obliged to go back to my work, and when an opportunity afforded, I should go and vote.

1031. Did you tell him whom you should go and vote for?—No, I did not; I thought it was no business of his.

1032. What did he say to you?—He asked me if I would make up my mind to vote for Mr. Hope, and I should have the consideration in due time. He said if I did not vote for Mr. Hope and Scott, or Mr. Hope and Scott was not returned for Maidstone, it would be a bad job for Maidstone. I thought otherwise.

1033. He said you should have the consideration in proper time?—Yes.

1034. You have known Maidstone some years, I believe?—Yes; I was born in Maidstone.

1035. When does the proper time generally come at Maidstone?—I do not know; I never had an opportunity of knowing that.

1036. Did you say anything more to him?—No.

1037. He went away, did he?—Yes.

1038. You afterwards voted for whom?—Afterwards I went and voted for Lee and Mildmay; I was so disgusted at a man like him coming to tempt a poor working man.

1039. Did you mention what had passed the same day to anybody?—Yes, I did, to John Goodwin.

1040. Who is John Goodwin?—A builder, in Maidstone.

1041. I suppose you have mentioned it to other people since?—Yes.

1042. It has been talked over?—Yes.

Cross-examined by Mr. *Venables.*

1043. Did you understand Mr. Ruck to promise that you should have a consideration from him?—I am satisfied that he could not pay it out of his own pocket.

1044. You did not understand him to promise it out of his own pocket?—No.

1045. I suppose he did not say out of whose pocket it was to come?—No.

1046. He did not tell you that he was authorised to offer it by anybody?—No, he did not.

1047. He said that he thought it would be a bad thing for Maidstone if Mr. Hope and Captain Scott were not returned?—Yes.

1048. I suppose you did not think Ruck a very good security if you did take his offer?—No, I did not.

[The Witness was directed to withdraw.

Richard Mills was called in; and, having been sworn, was Examined by Mr. *Phinn* as follows:

R. Mills.

1049. DO you live in George-street, Maidstone?—Yes.

1050. What are you?—A milk-vender.

1051. A milkman?—Yes.

1052. Had you a vote for the borough at the last election?—Yes.

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1053. Do you know Mr. John Atkins, the paper-maker?—Yes.

1054. Had you been canvassed for Messrs. Lee and Mildmay before the election; before the nomination day had anybody asked you for your vote for Messrs. Lee and Mildmay?—Both parties.

1055. Both parties had asked you for your vote?—Yes.

1056. Had you promised either party?—I had not promised either party that I would vote for them.

1057. Had you promised either party that you would not vote against them?—No; oh, I think I did; I think I promised the party that I voted for that I would not vote against them. I did not promise them I would vote for them.

1058. And who was the party that you voted for?—Mr. Lee and Mildmay.

1059. You had promised them you would not vote against them?—I think so; I would not be certain about that.

1060. You know Mr. Atkins, you say; he is a paper-maker; do you remember seeing him at any time before the nomination-day?—Yes; I called there every morning at his house, Sundays excepted.

1061. Do you remember Mr. Atkins saying anything to you about your vote?—Yes.

1062. Do you recollect the day when that took place?—I cannot say just exactly; I think seven or eight or nine days before the polling-day.

1063. What did he say to you about your vote?—He asked me about my vote; who I thought of voting for, or at least that is as near as I can recollect the words; I cannot just say the words he said to me at that time, but he asked me who I thought of voting for, and I believe I gave him to understand that I thought of voting for Lee and Mildmay, if I voted for any one; that I did not feel concerned about the election, and I did not know that I should vote for either party.

1064. What did he say?—He talked to me about Mr. Hope and Mr. Scott, and he gave me a statement of their character in a short way, of the goodness that they would do for us, and I said that I had nothing to say against neither Mr. Hope nor yet Mr. Scott, for I knew nothing of them, and therefore it would be a folly for me to say anything against them; but if so be the report was true, I wished for Hope, for one, might come in; I had nothing to say against them, nor yet for them.

1065. What did he say?—I do not recollect what he said to me just exactly then; but at another time afterwards ——

1066. At another time afterwards; how long after the first time did he speak to you again about it?—I would not say for certain; I think it was on the Friday, as the polling-day was on the Saturday.

1067. The Friday as the polling-day was on the Saturday?—I believe that was the morning.

1068. Where?—At his house.

1069. What did he say about your vote?—He asked me if I had made up my mind about giving my vote, and I told him I had no further made up my mind than I had when he talked to me before. He said I had better; and I says, as I did not feel concerned about the election, "As I stand in circumstantial matters, it would be best for me to have nothing to do about it." He says, "You had better make up your mind, and give our friends Hope and Scott one vote;" and I told him I did not think I should. I believe that was as near it as possible as I can give you the statement; I never thought of being called to give here a statement. "Well," he says, "mind now," he says, "I am not authorised by any party of ours to say what I am agoing to say; if you will give the friends," he says, "of Mr. Hope and Mr. Scott one vote, depend upon it you shall have 5 *l.*"

1070. What did you say to that?—I made him no answer; I went my way; I had not spoken to the man anything regarding the election, neither before the polling nor since; I think I have spoken, and just said "good morning;" it is as much as I have since.

1071. You made up your mind at last did not you?—Well, I thought we were getting a little rather more deliberate than I thought we should; my mind was the way that I gave the vote if I gave any.

1072. So that you voted for Messrs. Lee and Mildmay?—I did.

Cross-

R. Mills.

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Cross-examined by Mr. *Venables.*

1073. Had you seen Captain Scott before the election; had he canvassed you?—Yes, Captain Scott came to my house, I think twice.

1074. Do you remember seeing him two or three days before the election?—I do.

1075. He asked you, I suppose, for your vote?—He did.

1076. What did you say?—I told him I could not promise him.

1077. Did you promise not to vote against him?—I did not.

1078. With respect to Mr. Atkins, I understand you saw him two or three times, did not you?—He talked to me twice about the election; I see him pretty much every morning.

1079. That was when you went round with the milk to his house?—Yes.

1080. The first time he said nothing about bribery?—He did not.

1081. The second time; he did not at first say anything about it?—He did not.

1082. Will you give the words he said about the money?—He said as this: he were not authorised by any of their party to say what he were a-going to say to me, but if so be I would give our friends, signifying Mr. Hope and Mr. Scott, my vote, I might depend upon it I should receive 5*l.*

1083. That is, you understood that the 5*l.* was to come from Mr. Atkins?—I do not know; that were all that he said to me.

1084. You still gave him no definite answer?—I gave him no answer at all.

1085. And you went and voted for Messrs. Lee and Mildmay?—Yes.

1086. You persist in that; you are quite certain that this conversation about the 5*l.* took place with him?—Yes.

[The Witness was directed to withdraw.

Thomas Swan was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. Swan.

1087. WHAT are you?—A gardener.

1088. Do you live at Maidstone?—I live at Tovill, about a mile out of Maidstone; it is in Maidstone parish.

1089. It is a little way out of the town?—Yes.

1090. Do you know Mr. Atkins?—Yes.

1091. What is he?—A papermaker.

1092. Is he a gentleman in a large way of business?—No; he is a journeyman and works at a mill.

1093. Have you known him for some years?—Yes.

1094. What colour does he go with; blue or purple?—Sometimes one side and sometimes t'other.

1095. Do you know Mr. Hope?—Yes.

1096. And Captain Scott?—Yes.

1097. Do you remember their coming to canvass in Tovill?—Yes.

1098. Did you see Mr. John Atkins with them?—Yes.

1099. When they were canvassing?—Yes.

1100. How often?—I only saw them once going up to my house.

1101. With a canvassing party?—Yes, because it made me make a remark of it. My wife said to me——

1102. Never mind what your wife said?—I am satisfied I made the remark, the reason they did not call upon me was——

Cross-examined by Mr. *Venables.*

1103. How many people were with Mr. Hope and Captain Scott when you saw Atkins?—Ten or a dozen.

[The Witness was directed to withdraw.

Henry Lower was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows;

H. Lower.

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1104. WHAT are you?—A boot and shoe maker.

1105. Where do you live?—Earl-street, Maidstone.

1106. Had you a vote at the last election?—I had.

1107. Who did you vote for?—Mr. Scott and Mr. Hope.

1108. Captain Scott and Mr. Hope?—Yes.

1109. Had you voted before?—Not on Members of Parliament.

1110. But you have voted at municipal elections, have you?—I have.

1111. Who is your landlord?—Mr. Monkton.

1112. What is he?—A lawyer, I believe.

1113. Is he town-clerk of Maidstone?—I believe he is.

1114. Who collects the rent from you?—Mr. Giles.

1115. What is Mr. Giles?—Clerk to Mr. Monkton, I believe he is.

1116. At the period of the last election were you in debt to your landlord for rent?—Yes.

1117. How much did you owe?—At that time I do not exactly know.

1118. Previously to the last election I believe you owed something?—I beg pardon, before the election, I did not previously know.

1119. You know now what you owed?—Yes.

1120. What did you owe?—£. 7. 9 *s.* 6 *d.* I think it was.

1121. That you have ascertained since?—Yes.

1122. Do you recollect seeing Mr. Giles previously to the election?—Yes.

1123. Do you remember Mr. Giles stopping you in the street?—Yes.

1124. Did anything pass between you as to the rent?

Mr. *Venables* objected to the question.

[The Witness was directed to withdraw.

Mr. *Venables* stated that Mr. Giles's name was not mentioned in the list of persons bribing the witness.

Mr. *Phinn* was heard in support of the question.

The *Chairman* stated that the question might be put.

The Witness was again called in.

1125. Mr. *Phinn.*] You say that Mr. Giles met you in the street previously to the election?—Yes.

1126. Did anything pass between you as to arrears of rent?—Yes.

1127. Will you state to the Committee what it was?—Mr. Giles said that it was Mr. Monkton's intention of having the rent, and now was an opportunity for me to get the rent paid, as the election was likely to be a sharp contest, or something to that effect.

1128. You say "something to that effect;" just try and recollect exactly what it was he said?—He said he should send me a note, so that I could show if I were asked for my vote.

1129. Do you recollect any more that passed at that time?—Not at the moment, I cannot recollect.

1130. Do you remember his mentioning Mr. Lee's name at all in that conversation?—Yes, he did; he said he thought it very probable that Billy Lee would bring, as he had before, meaning the same as he did with Mr. Dodd's election.

1131. A petition you mean?—Yes.

1132. What was the reason that you were to get this note; did he give you any reason why you should have the note?—So that there would be a chance for my rent being paid.

1133. Do you remember being canvassed by anybody upon behalf of Messrs. Hope and Scott?—I do.

1134. When were you first canvassed by anybody for them?—I think, to the best of my recollection, it was the Saturday before the election.

1135. That

1135. That would be Saturday, the 24th of March?—That, I believe, was somewheres towards the evening.

1136. Who came to you?—Mr. Joslen was the first that came.

1137. What is Mr. Joslen?—A paper stationer.

1138. Do you recollect what time he came to you?—I believe as near as I can recollect, it was near—I will not be certain—but I think it was about that.

1139. What passed between Mr. Joslen and you, when he came to you?—Mr. Joslen came in, and he says, "Lower, you will not go out, you will stop at home, for Mr. Hope and some gentlemen are coming to solicit for your vote."

1140. Did he say anything more than that?—Yes; he says, "You ought by all means to vote for Hope, for Hope gave 900*l.* in the parish within the last two years."

1141. Well, what more did he say?—He walked to and fro in the shop, and he went out and closed the door after him.

1142. Did he afterwards return?—He did; he walked to and fro of the door, and wished me not to go out.

1143. How long afterwards did he return?—It might be six or seven minutes, or it might be ten minutes.

1144. Did anybody come with him?—Afterwards.

1145. How long after he came back did anyone come?—He came again.

1146. You say he went out?—Yes.

1147. He stayed how many minutes?—Six or seven minutes, or it might be ten minutes.

1148. He came back again?—Yes.

1149. Who came back with him?—Mr. Hope, Captain Scott, and Mr. Wickham.

1150. Did Mr. Hope say anything to you?—Yes; he says, "Ah, one of my old friends, Mr. Lower," and shook hands with me; this gentleman (*pointing to Mr. Hope*).

1151. What did you say?—He solicited me for my vote, and I made answer and said, "Why not both as well as one?" and I said, "Providing that I vote for you two, I vote for myself also," and Mr. Hope said, "Certainly you do, certainly you do;" and Captain Scott made a nod with his head.

1152. Did Mr. Wickham say anything?—He did.

1153. What did Mr. Wickham say?—Mr. Wickham said, "Talk of the happy family! here they are."

1154. Did you promise your vote upon that occasion?—I did.

1155. Do you remember, the Wednesday before the election, a letter being brought to you?—I will not say the day; I recollect a letter being brought to the house, but I was not at home to receive it.

1156. Did you receive it afterwards when you came home?—I did.

1157. You found the letter at home?—It was handed to me by one of my sons, which is a cripple.

1158. What has become of that letter?—It was destroyed in Mr. Joslen's shop, and throwed in his paper bin.

1159. Who was that letter from?—It stated, I believe, to the best of my recollection, from Mr. Monkton.

1160. What was it about?—Concerning the rent.

1161. What concerning the rent?—As near as I can recollect, it stated, providing the rent was not settled up by the following Saturday, that was meaning the Saturday after the election, further proceedings would be taken against me; that is to the best of my recollection.

1162. Did it say how much the rent was?—It said on the paper 11*l.* odd.

1163. Did anybody see that paper whilst it was in your possession?—Yes.

1164. Who?—Several people.

1165. Tell me any names?—Mr. Thomas Lampert, Mr. John Swinfen, Alfred Pratt, and many others.

1166. Do you remember seeing Mr. Joslen on the nomination day?—I do, well.

1167. What time did he come to you on the nomination day?—Between two and three, as near as I can guess.

1168. Was it at your house?—Yes, at my house.

1169. What passed between you and Mr. Joslen on the nomination day when he

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he came to your house?—Mr. Joslen came in, and said the gentlemen wished me to poll early.

1170. What did you say?—I told him, I did not think I should poll for them.

1171. Did you say why?—Yes.

1172. I thought the happy family were going to poll?—There was no mention of that; I produced the note—the letter.

1173. What did you say?—I told him then, that the Tory party had deceived me the last two years.

1174. Did you tell him how they had deceived you?—Yes.

1175. Tell us all the conversation?—As near as I can recollect, I told him that Mr. Wimble had promised to do great things for my boy, which was a cripple, and he had done nothing.

1176. Did you say anything more then?—Yes.

1177. Tell us what it was?—He said it was folly for to promise when a man was in difficulties himself, Mr. Wimble.

1178. Did Mr. Joslen read the letter?—He did.

1179. When he read the letter, what did he say or do?—He said that he was sure it was not Mr. Monkton's doings, for it was spelt wrong in two places.

1180. Did he take the letter away?—He wished me to allow him to take it away.

1181. Did you allow him?—I did.

1182. Before we go further, did any more conversation occur at the period, or at the interview, when he took the letter away?—No further; I made him promise that he would return it again, and he said he would.

1183. Did you see him again?—Yes.

1184. How long after the first interview?—It might be half an hour, or it might be more.

1185. Did he come back to your shop?—Yes.

1186. What did he say?—He said he had showed it.

1187. Showed what?—He said he had showed the letter to Mr. ——

1188. Did he mention some gentleman's name?—He did; a lawyer in Maidstone.

1189. Was it Mr. Scudamore?—Yes; and to Mr. Monkton also.

1190. He stated that Mr. Monkton ——

Mr. *Venables* objected.

1191. Mr. *Phinn.*] What did Mr. Joslen state?—He stated that it was not Mr. Monkton's wish that the letter should be wrote.

1192. Did he say anything more about the letter?—There was a good deal more stated, but I forget at the moment.

1193. Did he (Mr. Joslen) say who had written it?—He said, it was that scamp Mr. Giles that had done this, for he was a perfect scoundrel and a radical; that is as near as I can recollect.

1194. He promised you to bring back the letter; did he leave it with you or not?—He did.

1195. Did you then promise to vote for Mr. Hope and Captain Scott?—There was not much more said about the vote just then.

1196. You came to no understanding or agreement with him then?—Not then.

1197. Did he come back again the same day?—Yes.

1198. At what interval of time?—A very short space of time.

1199. Did he bring you anything?—Yes.

1200. What was it?—A note he said he had received from Mr. Monkton.

1201. What has become of that note?—Tore up with the fellow note.

1202. Do you recollect what was in it?—He says, you are perhaps not able to read it; you will allow me to read it.

1203. What did he read to you?—To the best of my recollection, it was ——

1204. What was it?—That it was not Mr. Monkton's wish that the note should be written.

1205. By the *Committee.*] That is what he read out to you?—Yes.

1206. Mr. Joslen?—Yes.

1207. Mr. *Phinn.*] Did you see the writing in the letter yourself?—Yes.

1208. Did you look to see whether he had read it correctly?—I looked at it; I were not able to read, not perfectly.

1209. After he had read the letter, what passed between you; anything about the

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the rent?—After he had read the letter, he says, "It will be all right; you can vote for us; it will be all right, and then you will not be troubled for the rent after." As near as I can recollect they was the words.

1210. Did you make any promise then?—Not at that time I did not.

1211. I think you told the Committee he left both the letters with you?—Yes, he did.

1212. And went away?—Yes, and went away.

1213. Did you see him again in that evening?—Yes.

1214. About what time?—It might be nearly an hour after that, or a little more; I will not say positive as to the time.

1215. Mr. *Venables.*] Was this all on the Wednesday?—All on the day before the election; on the Friday, I think, to the best of my knowledge.

1216. Mr. *Phinn.*] You say you saw him again at nine o'clock; did he say anything to you then?—A little before nine; he wished me to give him the notes, and I told him no, I could not, as I had given them to Mr. Giles; and I gave him my promise that I would vote for Captain Scott and Mr. Hope on the condition that he would settle my rent.

1217. Mr. *Venables.*] That who would settle the rent?—Mr. Joslen.

1218. Mr. *Phinn.*] What did he say?—He said it would be all right again.

1219. Did you, on that same night, after Mr. Joslen had left you, see Mr. Giles?—No; it was before that time that I saw Mr. Giles.

1220. Had you seen Mr. Giles before then?—That was the fourth time I have now repeated.

1221. How long before that had you seen Mr. Giles?—Soon after that he came with the second note.

1222. What passed between you and Mr. Giles when Mr. Giles came?—Mr. Giles came in a terrible rage, and he said—if I am to make use of the word—he said he had had a hell of a row with his governor. Joslen had been and made it appear for him that he wanted me to vote for the Liberal party had he asked the question.

1223. That Mr. Joslen had been to him?—Been to his master, and made it appear to him that he wanted me to vote for the opposite party.

1224. Which party?—Lee and Mildmay.

1225. What passed further?—He said, "I never asked you any such thing." I said, "Certainly, you did not ask me for my vote neither way; you never wished me to vote neither way.

1226. What further passed?—We walked down the passage together after that, and we had a little conversation there, and I wished to know from him if I voted for the two whether my rent would be all right, and he says, "If you live in the house for a hundred years I shall never ask you for it; I make no doubt it will be all right."

1227. By the *Committee.*] That was Mr. Giles?—Yes; that is, as near as possible as I can recollect, the words.

1228. Mr. *Phinn.*] What became of the letters?—I had another interview with Mr. Joslen before the morning, at night.

1229. I thought you said you gave the letters to Mr. Giles?—Yes; I told Mr. Joslen I had given them to him.

1230. You did not?—I did not; he wanted them, but I told him I had given them to him, but I had not.

1231. Had you again a further interview with Mr. Joslen that evening?—Yes.

1232. At what time?—A little after ten.

1233. By the *Committee.*] Was this before the nomination day?—It was on the nomination day.

1234. Mr. *Phinn.*] I believe you had gone to the Bell inn, had you not?—To the tap of the Bell.

1235. Did your daughter come to you?—Yes.

1236. On going home, did you find anybody in your house?—The girl told me in crossing the road.

1237. Did you expect to find Mr. Joslen from what she said?—Yes, I did; I found him talking to my wife.

1238. You found him in your house?—Yes, talking to my wife.

1239. What passed between you and Mr. Joslen when you came from the Bell and went to your house?—As soon as I had entered the door, Mr. Joslen said, "They are a dodging me all over the place, I can't stir, the devils are;" or something

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thing to that effect, meaning the Blue party. My wife was ordered upstairs, out of the shop.

1240. Who ordered her?—I ordered her to go.

1241. At whose suggestion?—Mr. Joslen looked at me, and looked at the door, as much as I understood for her to leave the room.

1242. He looked at the door, and then looked at your wife, and you gave your wife directions to go up stairs?—She did.

1243. When she had got out of the room, what did he say?—He says, "Oh, Lower, I am come to make a fresh agreement with you, and you will attend at the Star in the morning, and meet another gentleman, and he will make a new arrangement with you." He appeared as if he did not like the system; he was rather frightened of it.

1244. Who said that?—Mr. Joslen.

1245. "I do not like the system; I am rather frightened of it;" what system?—He meant the bribery question, I suppose.

1246. Did he say anything then about your vote?—He said, "Look out at the door, and see if there is any person about."

1247. Did he say anything about the letters?—Yes, he wished me to wait upon him at the morning, so that he could introduce me at the Star.

1248. Was anything said about the letters?—Not at that time that I am aware of.

1249. Did you see him safe off?—I opened the door, and told him there was no one that I could see about, meaning the Blue party.

1250. In consequence of some message, I do not ask what anybody said, did you go to his house the next morning?—I did.

1251. What time was that?—It might be a little before eight, or a little after, I cannot say.

1252. I believe you took something with you?—I did; a boot.

1253. What made you take the boot?—Because the Blue party should not think there was anything between me and Mr. Joslen.

1254. You are a shoemaker, and I suppose you wanted it to appear that you were on your own business?—Yes, I did.

1255. Did you see him when you got to his house?—Yes.

1256. What passed between you?—He wished me to go to meet him at the Star.

1257. How soon?—That was half-past eight.

1258. How soon were you to meet at the Star?—About half-past eight.

1259. Did you go to the Star?—Not at that time, I did not.

1260. How soon afterwards did you go?—As near as I can guess, about five minutes to nine, when we met at the Star.

1261. Which way did you go to the Star?—Down the High-street.

1262. Which way did he go?—The back part of the hotel.

1263. Did you meet him at the Star?—I did.

1264. Where were you when you met him?—I was searching as if I was going up-stairs at the Star; at the Star, up-stairs, where the committee was sitting, in the Star-yard.

1265. You had been in the Star-yard; where did you see him?—A little beyond.

1266. Beyond what; in the passage?—In the yard.

1267. Did anything pass between you then?—Yes; he says, "Come this way."

1268. Where?—He says, "Come, and poll directly;" and he came as if he wanted to go with me. I said, "I would not be marched to the poll like a convict," or something to that effect.

1269. What did he say?—He says, "You will not;" I says, "No; not in that manner." He puts his fingers on his hand in this manner (*describing the same*); "If you do not poll within five minutes, I will not stick to the agreement."

1270. Did you go and poll?—Yes.

1271. Whom did you vote for?—Mr. Scott and Mr. Hope.

1272. What made you vote for Captain Scott and Mr. Hope?—Because I considered my rent was squared off.

1273. After you polled, did you go anywhere?—I did.

1274. Where?—To Mr. Joslen's.

1275. What

1275. What passed at Mr. Joslen's then?—I told him he was desiring of having the two notes; there they were, for I had polled, and he said, "I thought you would, for I am a terrible funky man."

1276. What did he do with the letters?—As soon as I handed them to him, I said I might as well have the envelopes: they would do for pipe-lights. We tore them up, and they were thrown into his paper bin.

1277. Have you had any application for the arrears of rent since the election?—No; none whatver.

1278. Have you paid any rent since the election?—Yes.

1279. Did you pay rent for the election week?—No, I did not.

1280. How was that?—They never called for it.

1281. Have they called for the rent since?—Yes.

1282. Have you paid your rent regularly?—Yes.

1283. Did you see Giles about on the election week; I mean the next week; collecting the rent?—Yes, of course I did.

1284. Did he come to you?—He came for the rent; he passed by.

1285. Did he come to you for the rent for the election week?—Not for the election week he did not.

1286. Have you got a book?—Yes, but it is up at the lodgings.

Cross-examined by Mr. *Venables.*

1287. What was your understanding with Joslen before you polled?—My understanding was——

Mr. *Phinn* stated that there were some questions of a general nature which he had to put to the Witness, but he thought it desirable to separate them from the individual case. He should therefore have to recall the Witness for that purpose.

1288. Mr. *Venables.*] What was the nature of your understanding with Joslen when at last you polled for Mr. Hope and Captain Scott?—That my rent was to be squared off.

1289. Did you understand that Joslen was to pay it?—My understanding was, that it was to be settled through Joslen's agency.

1290. Was your understanding that your landlord would not ask for the rent, or that Joslen would pay it?—My understanding was that I should never be asked for it; it would be paid by the Tory party.

1291. Was your understanding that your rent would be paid to your landlord by the Tory party?—That was my understanding; to that effect.

1292. You heard that Mr. Monkton had regretted the note being sent. Do you mean that your understanding was that Mr. Monkton would be paid the rent by the Tory party?—Yes; on the grounds that Mr. Joslen stated that Mr. Monkton had left it entirely with his hands, to do as he thought proper.

1293. Your understanding was not that Monkton would excuse your rent?—Not whatever.

1294. Not at all?—Not whatever.

1295. When Giles first met and spoke to you about it, I understand he said nothing about voting one way or the other?—He did talk about voting, but he did not wish me to vote neither one way nor the other.

1296. He merely asked for your rent and spoke of a distress?—Yes; to that effect; oh, there was a chance of getting the rent, but he said from neither party.

1297. How do you mean getting the rent?—By getting my rent paid off from my vote.

1298. He did not say which party?—No.

1299. Did you understand he was canvassing you for either party?—I am sure he did not.

1300. Can you state anything that Joslen said, besides what you said, to show that the Tory party were to pay Mr. Monkton your rent?—No further than his word that I should never, never be asked for it.

1301. Have you any reason to suppose that Mr. Monkton has been paid for this rent?—I have no reason. I have never been inquired after for it.

1302. You distinctly state it was your understanding that you were to be

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excused your rent?—It was my understanding; I expected it was to be paid for me.

1303. To be paid for you to Mr. Monkton?—Yes.

1304. Have you been long a shoemaker in Maidstone?—A great many years in and out.

1305. Have you voted before?—On municipal elections.

1306. Not on Parliamentary elections?—I never voted before.

1307. Which way have you voted at municipal elections?—The way I was bought.

1308. That is your answer?—Yes.

1309. By the *Committee.*] Paid for it, were you?—Yes.

1310. Mr. *Venables.*] Have you been sometimes bought by one party and sometimes by the other?—No.

1311. Which way have you voted?—Been bought by the Tory party.

1312. Always?—I have not voted always.

1313. Whenever you have voted you have been bought by the Tory party?—That is it, for the municipal elections.

1314. When you entered into these conversations with this Mr. Joslen, was it your distinct intention to be bought if he bid high?—Yes, it was.

1315. What is your rent per week?—Five shillings.

1316. You were excused rent for one week?—And the remainder of the debt.

1317. You were not asked for those arrears again?—No, I have not.

1318. You suppose those arrears have been paid to Mr. Monkton?—I believe so far as this; I believe I shall never be asked for them.

1319. What is the total amount of them?—Between 7 *l.* and 8 *l.* I believe it is.

1320. How much did you pay per week before?—That I cannot name.

1321. Up to the election?—That I cannot say; sometimes I paid, sometimes I did not.

1322. How much were you bound to pay?—Five shillings.

1323. Always five shillings?—No; the house formerly was allowed to me at 4 *s.* 6 *d.*

1324. When was it raised to 5 *s.*?—I cannot answer for that without the book here.

1325. About when?—It might be eighteen months or two years; I will not say exactly the time.

1326. As long ago as that; you mean for the last two years about you have paid 5 *s.* a week?—Ought to have paid it.

1327. You received a note threatening you with a distress?—I said not exactly a distress, but further proceedings would be taken against me.

1328. Have you on any former occasions had further proceedings threatened?—I have been asked for it.

1329. Have you had further proceedings taken?—None whatever.

1330. Was that in connexion with the vote when you were formerly threatened, and have not had proceedings taken?—It might have been somewhere about the municipal election.

1331. Not might be; have you not, when there was no municipal election going on, been threatened with proceedings for your rent?—I cannot answer that; I have received other notes.

1332. Threatening you with proceedings?—Once or twice I have received notes.

1333. Have you not had proceedings taken against you?—I have not.

1334. Have you had any arrears excused before?—No further than this time; never been asked for no arrears no further.

1335. How often do you pay your rent; weekly, or when?—Weekly.

1336. Those arrears being 11 *l.*, at 5 *s.* a week, must have gone on for a long time; do you know how long they had gone on?—It was not that sum.

1337. Seven pounds something; that must have gone on for a long time?—Pretty nigh two years; might be longer.

1338. Do you mean you had not paid rent for two years?—I have not kept it paid regular for two years.

1339. At the time when you first began to be allowed to be in arrear with your

your rent was any election going on in Maidstone?—Yes; municipal election somewhere near that time.

1340. I suppose all those arrears of rent had no reference to the municipal election?—No; if I must tell, it was at the Constitutional-rooms where I was first asked the question, would I join the Constitutional Society; I said, "Yes." Mr. Monkton's health was to be drunk. I tell you how it commenced; how they allowed the rent to run.

1341. Mr. Serjeant *Pigott.*] It did run?—Yes; I was told at the Constitutional-rooms it might run if I kept a Tory.

1342. That was in reference to the municipal elections?—That is, supporting candidates on the Tory interest; it does not matter whether municipal or Parliamentary election.

1343. Mr. *Venables.*] Can you tell the Committee how many conversations you had with Mr. Joslen about this matter of voting for Mr. Hope and Captain Scott?—Five times on the day of nomination.

1344. How many on the day of poll?—It might be two or three; three, I believe it was.

1345. Are you sure about all the hours which you have given?—As near as possible; I would not swear positively to the dates.

1346. Your final reason for voting was the understanding that the Tory party would pay the rent to your landlord?—It was so; to the best of my knowledge it was paid.

Re-examined by Mr. *Phinn.*

1347. You did not care whether the rent was paid, so that you were not asked again?—That was all I cared.

1348. You have not been asked again?—I have not.

1349. Now, my learned friend asked you about your understanding, and you told him that your understanding was, that your rent would be paid by Mr. Joslen?—I did not know whether it would be paid by him or through the committee of the Tory party; I did not know who it would be paid by.

1350. How did you come to understand that?—Because Mr. Joslen wished me to vote that way, and he would see that I should not be troubled for it; he would put that right; Monkton told him he left it entirely in his hands.

Examined by the *Committee.*

1351. Just recollect Saturday the 21st, the day on which Mr. Joslen first came to you; you stated that Mr. Joslen came to you upon several occasions, and at last Mr. Hope and Captain Scott came to your house in company with Mr. Wickham?—That was before that.

1352. Before the election?—Yes.

1353. That was on Saturday the 21st?—I think it was.

1354. Was Mr. Joslen in the house when that conversation about the happy family took place?—Yes; Mr. Joslen kept me there as a prisoner you might say.

1355. He was in the room?—He went first, Mr. Hope next, Captain Scott next, Mr. Wickham next, and the rest of the gents was ouside.

1356. On that occasion you intimated to Mr. Hope and Captain Scott that you meant to vote for them?—Yes.

1357. This 7 *l.*, I understand, has not been paid by you?—It has not.

1358. You do not know whether it has been paid at all to Mr. Monkton or not?—I do not.

1359. You voted upon the understanding that you were not to be called upon to pay that rent?—I did.

1360. Who is Mr. Joslen?—I always call him a gentleman; a wholesale stationer.

1361. Is Giles a voter?—I think he is a freeman; I will not be sure.

1362. He was accused of being a Radical?—Yes, he was accused.

1363. He was clerk to Mr. Monkton?—Yes.

1364. Who was it that called him a scoundrel?—Mr. Joslen said he was one of this Radical party; but a great deal more was said that I cannot recollect.

Mr. *Phinn* stated that Giles voted for Mr. Hope and Captain Scott.

[The Witness was directed to withdraw.

A. Pratt.

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Alfred Pratt was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

1365. ARE you a carpenter, residing in Perrifield-place, Maidstone?—Yes.

1366. Do you know Mr. Lower?—Yes.

1367. Do you remember being in his shop when a party came in to canvass?—Yes.

1368. What day was it; do you recollect what day of the week it was?—No, I do not recollect what day of the week it was.

1369. How long before the election?—I cannot say, not rightly, how long ago it was before.

1370. Do you know a man named Joslen?—Yes.

1371. Did you see Joslen there on that occasion?—Yes, Joslen came in just before the members came in.

1372. Did you hear what Joslen said to Lower?—Yes; Mr. Joslen said, "Oh, that the parties were coming up for to see him, and told him not to go out."

1373. After Joslen had said that, did the party come?—Yes.

1374. Who came first?—Mr. Joslen came in first.

1375. He went out, and came back again?—Yes.

1376. Joslen came first; who next?—Mr. Hope, then Mr. Scott, then Mr. Wickham.

1377. What passed between Mr. Hope and Lower?—Mr. Hope said, he said, "I solicit you for your vote and interest;" he said so to Mr. Lower. Mr. Lower made answer and says, "Why not both?" Then Mr. Scott bent to Mr. Lower; then Mr. Lower made answer and said, "If I vote for you two, I shall vote for myself too."

1378. Did Mr. Hope say anything to that?—He says, "Certainly you do, certainly you do."

1379. Did Captain Scott make any observation?—No, not any.

1380. Was Mr. Wickham there?—Mr. Wickham, the brewer?

1381. Do you remember any observation that Wickham made?—Yes. "Talk about a happy family!" he says, "Here's a happy family."

1382. He has some nice children?—Five or six of them.

1383. Do you remember Lower showing you a letter?—Yes.

1384. When was that?—That was before the canvass, I think; I will not be sure whether it was before, or just after.

1385. Did you read it?—Yes.

1386. Tell the Committee what it was about?—Signifying that if the rent were not paid within a week further proceedings would be taken.

1387. Do you remember the signature?—Yes. "John Monkton."

1388. Do you remember any other letter being shown to you?—Yes, another one was shown to me.

1389. Do you remember what the purport of the second letter was?—Yes; it stated how that the letter was written without Mr. Monkton's sanction.

1390. The first letter was written without Mr. Monkton's sanction?—Yes.

[The Witness was directed to withdraw.

Thomas Ruck was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. Ruck.

1391. WHAT are you?—Working in Mr. Banstead's quarry, at Maidstone.

1392. How far from Maidstone is it?—It is up at the top of Rock Hill; I cannot say how far it is from Maidstone; it is not far from the town.

1393. Do you remember working there at any time when Mr. Hope and Captain Scott came?—Yes

1394. Who was working with you?—Why, there was several of the men working there; there was one or two Medhursts, and Mr. Harris, John Constable, and Mr. Eversfield.

1395. Do you know a man named Diprose?—Yes; but he was not present at the same place that I was.

1396. Was he working at the quarry?—Yes, he was working at the quarry.

1397. Who

1397. Who came with Mr. Hope and Captain Scott to the quarry?—There was ever so many gentlemen, but I cannot explain how many gentlemen there was.

1398. Do you know a man named Short?—Yes.

1399. What is his Christian name?—Well, I do not know, I am sure.

1400. Was he with them?—Yes.

1401. Are the Medhursts and Diproses voters?—Yes.

1402. Did you see anything given to anybody by Short?—Yes; Mr. Constable asked Mr. Short whether he could not give them some allowance; Short directly takes some money out of his pocket, and chucked it down upon the rocks on the lane of the stone we were working.

1403. Was Medhurst there?—Medhurst was down below; he could not see the money chucked down upon the rocks before the gentlemen was gone from the quarry.

1404. Was Diprose there?—No, he was up at the top; he could not see the money given.

1405. What did they do with the money?—Spent it upon beer, I believe; they gathered round so much a piece, and fetched nine gallons from the town.

1406. Adding so much to this 5 *s.*?—Yes.

1407. By the *Committee.*] It was 5 *s.* that was given?—Yes.

1408. Mr. *Phinn.*] When Short threw down the money, did he say anything?—He says, "Now hollo, boys."

1409. What did they hollo?—"Hooray."

1410. Did he say anything more when he threw down the 5 *s.*?—No; he walked away directly down with the gentlemen.

Cross-examined by Mr. Serjeant *Pigott.*

1411. I believe those quarries are rather curious places, are not they; people come to see the fossils?—Yes.

1412. Very curious stones are got there?—Yes.

1413. Do you sometimes get beer given to you by people that come?—Why, some do; but it is some that carries their fossils to them.

1414. Some do?—When they come and give it, they give it when they take the fossils from us.

1415. This party you say came up to you, and then, as I understand you, Mr. Hope and Captain Scott, and the rest of the gentlemen, were gone away?—They was just going away from the lower part of the quarry where the men break up the stones when they get it from us.

1416. Were they going as if they were going away?—They were going away towards the road.

1417. Away from the quarries?—Yes.

1418. Short stayed behind, did he?—He came upon the lanes where he was at work.

1419. What is the meaning of "lanes"?—They are the lanes of rock; we take one off, and there is another one underneath. He came up, and walked back again. He looked round when he first came.

1420. Did he look round the second time?—Yes. When he came up to us again John Constable asked him for some allowance.

1421. The second time?—The second time.

1422. Is that the way you ask people that come to the quarry, "To give you some allowance"?—No, never since I have been there, I never have know anybody ask for allowance, only Mr. Short, that came with the gentleman.

1423. What is the meaning of "allowance"?—Giving money to get some beer, I expect.

1424. That is what you understand by it at the quarry?—Yes.

1425. Constable was the man that asked, you say?—Yes.

1426. Constable is not a voter?—No.

1427. Where were Medhurst and Diprose; how far from you?—Medhurst was about two rod from us.

1428. This money was thrown down to Constable?—This money was not thrown down to one more than it was to the other. As luck would have it, I was going to pick up the money, and William Harris picked up the money, and counts it—5 *s.*

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1429. William Harris has not a vote?—No.

1430. You are not a voter?—No.

1431. Then the only voters, as I understand it, are Diprose and Medhurst?—Diprose and Medhurst.

1432. Were they working at a distant place from you?—Yes.

1433. At a different part of the works?—The same part we were working.

1434. At a different part of the quarries?—Yes; they were working down below us; two lanes below us.

1435. They were getting up a different lane?—No, they were breaking up the same lane, as we were getting off.

1436. They were a good deal below you?—Somewhere between 10 or 12 feet below us.

1437. They could not see what was being done above?—No.

1438. How many people were working at your gang; the upper stratum?—That I cannot say; I should say—what? a dozen or 14.

1439. A dozen working up above?—Yes.

1440. And how many were working below?—About six.

1441. The money was thrown down, you say, and this man, Constable, picked it up?—Not Constable; Harris.

1442. You tried to pick it up?—I went to pick it up; when I saw him pick it up I stopped at my work.

1443. You gave a hurrah for it?—Yes.

1444. How many men were working in the quarry; all those that joined and drank the beer?—Both quarries; both of them together drank the beer; somewhere about 40; I cannot say to a few.

1445. Both quarries took part of the beer?—Yes.

1446. How much was subscribed by the men?—What, to get the beer?

1447. Yes.—That I cannot say; nine gallons was bought, but I cannot say how much was gathered by the men to get the beer.

1448. You do not know how much was gathered; you do not know how much was thrown down by Short?—Five shillings.

1449. Did you see the 5*s.*?—I saw it counted in the man's hand.

1450. Was it in shillings or sixpences?—Yes.

1451. How many sixpences?—Ten, to make it 5*s.*

1452. Did not any of them get into the chinks of the rocks, and get lost?—No; there was no vents for it.

1453. One man picked up the money?—Yes; the man was called after I went to do a job for myself, and the money was given to him there; and as he told me, a gentleman called up to the bank and says, "I shall not give you any money, but I will throw it down, and you shall find it."

1454. How much did you give for the beer?—One shilling a gallon.

1455. So that 4*s.* must have been subscribed to the 5*s.*?—No.

1456. Had you any of the beer?—No, I had not; I was not well, and I went away.

1457. You went away, or you might have had some of the beer?—I was not well.

1458. You might have had some if you had been there?—If I had been there I should have had some beer.

1459. Forty men drank the beer?—Yes.

1460. Is that your habit, when anybody gives you money, to divide it among you, or have the beer together?—Yes; if they give us money we have it among us, if anybody fetches fossils from us.

1461. If anybody buys fossils would you have the money yourselves?—The rule is, that the same people that work in the gang you are working with have to spend the money between them.

1462. When they have fossils the money is divided among the men working in the quarry; when the money is given for beer, and no fossils in exchange, as upon this occasion, the whole body of the men are allowed to participate?—Yes.

Re-examined by Mr. *Phinn.*

1463. Did those gentlemen come for fossils or votes?—They came a canvassing.

1464. They did not want fossils, but votes?—There was no fossils mentioned.

Examined by the *Committee.*

T. Ruck.

4 July 1857.

1465. When Constable asked for this money, tell as what he said to Mr. Short?—He asked him whether he could not give them some allowance.

1466. Was that all?—Yes.

1467. What did Mr. Short say?—He never said nothing to him at all; all the words which he said after he had chucked the money down was "Hollo, boys." He takes the money out of his right-hand trousers pocket, and chucked it down on the rocks.

1468. What did he mean by "Hollo?"—That was giving the gentlemen that was there a salute; I expect that was what was meant.

1469. Did you see either Mr. Short or the two candidates speak to the Medhursts or Diprose?—I see Mr. Hope and Scott shake hands with one of the Medhursts, but I did not see him do anything to him; not anything particular; I see him shake hands; that was all I did see.

1470. You did not see him speak to Diprose?—No.

1471. If they had canvassed Diprose, should you have seen it from the position where you were?—No, I could not see it.

1472. I think you have stated to the learned Counsel that the two voters who were there could not have seen the money from the situation they were in on the rocks?—No.

[The Witness was directed to withdraw.

[Adjourned to Monday next, at half-past Eleven o'clock.

Lunæ, 6° die Julii, 1857.

The Names of the Members were called over; all present.

GEORGE ALEXANDER HAMILTON, Esq. IN THE CHAIR.

Mr. *William Beal* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *W. Beal.*

6 July 1857.

1473. ARE you the Election Auditor for the current year for the Borough of Maidstone?—Yes.

1474. Do you produce the accounts rendered to you by Messrs. Hope and Scott for the last election?—Yes. (*Producing the same*).

1475. Have you also with you the appointment of the agent for election expenses?—Yes.

1476. Will you just produce it?—(*The Witness produced the same.*)

1477. The same person was appointed for Mr. Hope as for Mr. Scott?—Yes.

1478. Robert Pearson?—Yes.

1479. Will you be good enough to produce the auditors' accounts; when were they delivered to you finally?—The 22d of June.

1480. Who were the printers employed?—There were several printers.

1481. That will appear upon the accounts?—Yes.

1482. You know Maidstone very well?—Yes, very.

The *Committee* inquired what was the total amount.

Mr. *Phinn* stated that the total amount, without fractions, was 413 *l.* each candidate.

1483. By the *Committee.*] Has that been published in the newspapers?—No.

Mr. *W. Beal.*

6 July 1857.

1484. Mr. *Phinn.*] Under the head of "hire of committee-room," there is Mr. Isaac, 24 *l.* 10 *s.* 7 *d.*: who is Mr. Isaac?—Mr. Isaac keeps the Bell Inn.

1485. Francis Down, what does he keep?—He keeps the Prince of Wales.

1486. By the *Committee.*] Do you speak from your own knowledge?—Yes.

1487. Mr. *Phinn.*] William Martin?—I do not know him at all.

1488. Mr. Amiss is a baker in Newbury?—I do not know him at all.

1489. Do you know W. B. Price, what he keeps?—No, I do not.

1490. Have you also the accounts furnished you on behalf of Mr. Lee and Mr. Mildmay?—Yes.

1491. Just give us the amount?—They are in three separate items; you must cast them up yourself. £. 256. 14 *s.* is the amount to be paid by myself as the election auditor.

1492. For the two?—Yes; and 55 *l.* 17 *s.* 6 *d.* is the account paid by the agent for election expenses, as current expenses.

1493. Which is allowed by the Act?—Yes.

1494. So that that amount is afterwards sent in by the election auditor?—Yes.

1495. By the *Committee.*] What is the total amount of the two together?—

Mr. *Phinn.*] £. 301, or something of that kind. (*To the Witness*). Do you know what the current expenses of Messrs. Hope and Scott were?—No.

1496. You know Maidstone well: how long have you resided there?—Thirty-five years.

1497. Are you a member of the Constitutional Society?—I am not.

1498. Have you ever been so?—Yes.

1499. When did you cease to be so?—Until it broke up, five or six years ago.

1500. Was it reorganised?—Yes; so I understand.

1501. You have not been a member for five or six years?—I have not.

Cross-examined by Mr. Serjeant *Pigott.*

1502. When were the travelling expenses of Messrs. Lee and Mildmay sent to you?—On the 22d of June.

1503. Messrs. Lee and Mildmay's?—No, on the 19th.

1504. Of June?—I think so, the travelling expenses.

1505. Was not one account sent to you, after the time had expired, from somebody?—Messrs. Lee and Mildmay brought me an account of messengers and check clerks, after the time had expired, I think on the 29th of June. I am taking the construction of the Act, three months, to mean three lunar months.

1506. When were Messrs. Lee and Mildmay's agency account rendered to you?—On the 19th of June.

1507. And then was there another account sent afterwards?—Yes, on the 29th.

1508. This election took place on the 28th of March?—It was on the Monday; the Monday was the declaration of the poll; that is the time when it runs from.

1509. What day was the poll declared on?—On a Monday. I do not think it was Monday the 30th.

Re-examined by Mr. *Phinn.*

1510. You got the expenses of Messrs. Lee and Mildmay, I think, on the 19th, about?—Yes.

1511. And the expenses of Messrs. Hope and Scott on the 22d, about?—Yes.

1512. Did you receive anything afterwards from Messrs. Hope and Scott?—Yes.

1513. On what day?—I do not know what day it was; it was the sum of 1 *s.* 4 *d.*; that is the fact.

1514. Having received Messrs. Lee and Mildmay's on the 19th, what amount did you receive at any subsequent period from Messrs. Lee and Mildmay?—55 *l.* 17 *s.* 6 *d.*

1515. That

1515. That was for travelling expenses or messengers?—For travelling expenses, inspectors, and check-clerks and messengers and door-keepers, and so on. Mr. *W. Beal.* 6 July 1857.

1516. Is that the whole amount under this head, or was any sent in under this head before?—Yes.

[The Witness was directed to withdraw.

Thomas Roger Orford was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

1517. ARE you a journeyman butcher, living at Maidstone?—I am not a journeyman, my Lord. *T. R. Orford.*

1518. I am not my Lord. Were you a butcher?—Yes.

1519. And you live at Maidstone?—Yes.

1520. Had you a vote at the last election?—Yes.

1521. Whom did you work for just before the election?—For John Doe.

1522. Has he a brother called Stephen Doe?—Yes.

1523. Whom did you vote for?—Lee and Mildmay.

1524. Do you remember being in your cart on the Thursday before the election; the last week?—Yes.

1525. Did anybody call you?—Yes.

1526. Who?—Stephen Doe did, as I went down High-street.

1527. What did he say?—"Call as you come back; I want to see you."

1528. Where does he live; near your master?—He lives in Brewer-street; his shop, it was in High-street, where I see him.

1529. Where did you call?—In High-street.

1530. You did call in High-street?—Yes.

1531. What passed between you and him?—He came out to me to the cart and he said to me. "You have got a vote, have not you"? I said, "Yes." "Which way are you going to vote?" I said, "Who I like." "Well," he says, "I have got 15 *l.* for you." Or before that, he says, "Are you going your old man's way; old man's colour?" "It is all one," I says, "I shall if I like." He said to me, "I have got 15 *l.* for you, if that is any use." I said, "No, I do not not want it yet," and I drove on.

1532. Do you know which side Doe takes; is he blue or purple?—He is purple.

1533. This was the last week before the election; did you see him again?—Yes.

1534. When was that?—The week after.

1535. That day week, do you mean?—Yes.

1536. Where did youmeet him?—In Week-street.

1537. What time of the day was it?—In the evening part, between seven and eight, I should think,

1538. Did he say anything to you then?—He was at the side of Mr. Usmore's, the pork butcher.

1539. Did he say anything to you then?—I went across the road to light my cigar.

1540. What did he say?—He said to me, "Halloo," he says, "have you got your money?" I asked him, "What money?" "Oh," he said, "I believe Mr. Lee has given you all 12 *l.*" "Oh, I have not seen mine yet." "Well," he says, "I can give you 12 *l.*" "Oh, can you?" I said, "I should like to have it." He said, "You can have it on Monday morning if you like." "No," I said, "that will not do; give it to me now, and I will go your way." "No," he said, he could not do it, but he would give me a piece of paper; I was to have it the first thing on Monday as soon as I liked. "No," I said, "I should not do it."

1541. It was not the right piece of paper?—I did not wait for that; I could not get it out of him; so I would not wait.

1542. Had you received anything to vote for Mr. Lee?—No.

1543. Had you been promised anything to vote for Mr. Lee?—No, not anything.

1544. You afterwards voted for Messrs. Lee and Mildmay?—Yes.

T. R. Orford.

6 July 1857.

Cross-examined by Mr. Serjeant *Pigott*.

1545. You did not wait for the bit of paper?—No.

1546. That would not suit you?—No.

1547. You know this was a joke between you and Steevie, as you call him?—I do not know so much about that.

1548. You call him Steevie?—Some call him Steevie.

1549. He is a brother of your master?—I have not got a master.

1550. What relation is he to John Doe?—I do not know.

1551. John Doe is not your master now; he was at that time?—Yes.

1552. This was a joke, was not it?—I do not know about that.

1553. You know it was a joke?—I am not sure.

1554. You think so?—How would it be if I voted, whether I should have any money.

1555. Do you not remember pulling up and asking Steevie for the 10 *l.*?—I never said a word to him till he spoke to me.

1556. Do you remember some days after this conversation between you and Steevie, when the election was over, driving up to his shop and calling him out and saying, "Steevie, did you mean what you said about the 10 *l.*"?—I went by his shop, and gave him a call, and I asked him what he meant.

1557. Did you say, "What did you mean by the 10 *l.*"?—Certainly I did.

1558. Did he not say, "No; where do you think I have got 10 *l.* to give you; what a damned fool you must be; it was only my gammon"?—I should think he did.

Re-examined by Mr. *Phinn*.

1559. He spoke to you twice?—Yes.

1560. Was he pretty serious the first time about the 15 *l.*?—Yes, he looked something like that.

1561. When you called out to him, was that after the election my learned Friend has asked you about, when you stopped at his shop?—I think it was.

1562. That was after you had voted for Messrs. Lee and Mildmay?—Yes.

Examined by the *Committee*.

1563. Was anybody by when you stated that Doe offered you this money, or promised you this money; was anybody by; was anybody present?—I cannot say.

1564. Was anybody present within hearing when Doe offered you this money;—I do not know that there was; I forget whether there was now.

1565. Mr. Serjeant *Pigott*.] In the conversation that you had with him, do you remember saying "Give it to me then, Steevie"?—I said "Give it to me."

1566. Do you not remember his saying, "I will see you damned first; you are a damned fool"?—I do not.

1567. Something to that effect?—I do not.

1568. What did he say when you said "Give it to me, Steevie"?—When he first asked me I would not say nothing about it.

1569. The second time he said, "Will you take 10 *l.*?—It was 12 *l.* the second.

1570. "Give it to me, Steevie," you said?—He said I was to have it the first thing Monday morning.

1571. Did not he say, "I will see you damned first"?—No; he said I was to have it on Monday morning.

1572. When he said "I will see you damned first," did not you say, "Then you must be a damned fool"?—I do not know as I did.

1573. Something to that effect was said in this bit of banter between you then?—I do not know that I did.

1574. Do you know that you did not?—I cannot swear.

1575. By the *Committee*.] You say that you do not recollect that there was any one present on any of those occasions?—I could not remember.

1576. Were you serious when you said, if you got 12 *l.* you would vote for Messrs.

Messrs. Hope and Scott; did you mean to vote for Messrs. Hope and Scott if you got the 12 *l.*?—I should go for Lee and Mildmay. *T. R. Orford.* 6 July 1857.

1577. You were joking; were you serious when you said, if you got the money you would vote for Messrs. Hope and Scott, if you got it?—I do not know that I was. I was joking, but I do not know whether he was.

[The Witness was directed to withdraw.

William Diprose was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows: *W. Diprose.*

1578. WHAT are you?—A Cooper by trade.

1579. Do you know Mr. Charles Baker?—Yes.

1580. What is he?—He is a cooper.

1581. Did you work for him before the election?—Yes.

1582. Who are you working for now?—Mr. Leney, of Wateringbury.

1583. What are they?—Brewers.

1584. Had you a vote at the last election?—Yes.

1585. How did you vote?—For Mr. Hope and Scott.

1586. Do you remember being canvassed to vote for Messrs. Lee and Mildmay?—I had a letter sent me.

1587. Did anybody come and speak to you about it?—No.

1588. No one at all?—Not that I recollect.

1589. Come now, try and recollect?—No, there was not any.

1590. Are you sure?—Yes, quite sure. I had two letters sent me. I did not answer the first one.

1591. After the second did anybody come to you?—No.

1592. Who went with you to the poll?—Charles Baker.

1593. Do you know a man named Merroney?—I have heard his name, but I do not know him.

1594. After going to the poll did Mr. Baker give you anything?—No.

1595. Just recollect yourself; did you get a new suit of clothes?—No.

1596. When did you promise your vote to Messrs. Hope and Scott?—Well, I did not promise; not before I went to the poll.

1597. Had Mr. Baker spoken to you about it before?—I met Mr. Baker on the Friday.

1598. That is the day before the polling?—Yes; I was talking to him about business, and he said to me, so I was going to vote for Lee and Mildmay, and I said, "Well, I have not thought much more about it; I had thought of it at first, I have not thought much about it now." He says, "You were bred and born a Tory; why do you fly from it now?" he says; "I would not turn a straw, you vote which way you like." These was the words he said to me.

1599. Was not there more?—Not more.

1600. When did you see him again about it?—On the next morning.

1601. What passed the next morning?—I went down to the workshop I used to work in to see my mates, and he came down, and he asked which way I was going, had I made up my mind, and I said "No," and I stopped there some little time. He came down again, and he said, "Well, as I am going to the poll," he says, "who are you going to poll for?" I said, "Hope and Scott," and he said, "We will go up together."

1602. What made you make up your mind?—I did not like their proceedings at all.

1603. Whose proceedings did not you like?—Not the blue party.

1604. Did you like the proceedings of Messrs. Hope and Scott better?—Yes.

1605. What sort of proceedings did you like better?—I seemed to like their way better than I did the others.

1606. What was it; was it a golden way?—No.

1607. Come now recollect yourself; what was it in their proceedings that you liked so much better, and that made you change, and vote for Messrs. Hope and Scott; tell the Committee?—I heard them saying that they thought of doing away with the freedomship.

1608. Where did you hear that?—I heard a lot standing together by the market.

1609. When?—

W. Diprose.

6 July 1857.

1609. When?—That was on the Friday.

1610. Did not Mr. Baker say something to you that changed your mind?—No, he did not.

1611. Did you receive anything after the polling?—After polling?

1612. Yes.—After I had been polled I went down to my mates again, and stopped there some little time; when the foreman was in the shop, and Mr. Baker went to his office in the afternoon and he said to me, "Mr. Baker is in the office, if you have anything to say;" and I said, "I was rather short of money, if he could let me have some," and he sent down by his foreman a sovereign.

1613. You put that in your pocket, I suppose?—Of course I did.

1614. How was it you came to go down after you had polled?—I was rather short of money.

1615. And then you got a sovereign?—Yes.

1616. Did you get anything else?—No, nothing else.

1617. Were not you short of clothes?—And 15 *s.* I paid back of it; that was the only sovereign.

1618. Mr. Serjeant *Pigott.*] Fifteen shillings paid back out of what?—Out of the sovereign.

1619. Mr. *Phinn.*] When was it paid back?—I cannot say the day of the month.

1620. Was it a fortnight ago?—I cannot say how long ago; I sent my wife with the money.

1621. Had you left Mr. Baker's employ then?—I was not working for Mr. Baker; I was at Leney's, of Wateringbury.

1622. You had been working for Mr. Baker?—Yes, I was apprenticed to Mr. Baker.

1623. When did you leave Mr. Baker to go to Mr. Leney's?—It may be eight months ago now.

1624. Then you left Mr. Baker?—It may be eight months; it may be more; I cannot say.

1625. I thought you were working for Mr. Baker at the time of the election?—No.

1626. You had been his apprentice?—Yes.

1627. Mr. Leney's is five miles off Maidstone, is it not?—Yes.

1628. Were you in Maidstone all the polling day?—Yes, all the polling day.

1629. You did not go to your work at all?—No, I did not go back to my work at all.

1630. Did you go to work there in the morning?—No; it was five miles away from my work.

1631. You did not go?—No.

1632. What did you say to Mr. Baker when you got the sovereign?—I did not see Mr. Baker.

1633. How long after you had gone down to the poll did you get the sovereign?—I think it was something like half-past three in the afternoon.

1634. When was it that you found yourself so short of money?—That morning.

1635. Had you mentioned to Mr. Baker in the morning that you were short of money?—I said, going up, that my expenses ought to be paid.

1636. What did he say?—I could not hear what he said to it.

1637. Did you tell him then, before you went up to the poll, that you were short of money?—Yes, I did.

1638. What did he say?—He said, "Oh;" that's all he said.

1639. Was that whilst you were walking up to the poll; did you state as you were walking up to the poll you were short of money?—I do not understand you.

1640. You told Mr. Baker that you were short of money?—Yes.

1641. Was that whilst you were walking up to the poll?—Yes.

1642. What did you say first; that you were short of money, or your expenses ought to be paid?—My expenses ought to be paid.

1643. That was the first?—Yes.

1644. What did he say?—I could not hear what he did say.

1645. When

W. Diprose.

6 July 1857.

1645. When you could not hear what he said, how soon after that did you say you were short of money?—We had not walked many paces.

1646. When you said you were short of money, what did he say to that?—He said, "Oh."

1647. Did he say anything more?—No, nothing more.

1648. Then you went and polled, and then you got this sovereign?—I stated just now when I had that.

1649. About half-past three; do you recollect what time it was you polled?—I think it was as near half-past nine as possible.

1650. Have you received an order for a suit of clothes from anybody?—No.

1651. Have you applied for one?—I was chastised with it; my wife's changing a 5 *l.* note.

Cross-examined by Mr. Serjeant *Pigott.*

1652. How long were you apprenticed to Mr. Baker?—Seven years.

1653. You were leaving him, I believe, in August 1856?—I could not say.

1654. Thereabout; was it the end of 1856?—It must be, it is eight or nine months ago.

1655. Upon that occasion you wanted a set of tools to go to Mr. Leney with? Yes.

1656. Did your late master, Mr. Baker, let you buy a set of tools, and make him liable to pay for them?—Yes.

1657. Were you to discharge that debt little by little?—Yes.

1658. Did he during the years before, 1854 and 1855, occasionally lend you some small sums?—Yes, when I was in difficulties.

1659. Upon one occasion, 1 *l.* 10 *s.*, I think?—Yes.

1660. Upon another occasion, two guineas?—Yes.

1661. And a third, 12 *s.*?—Yes, that is right.

1662. Did you pay them off by little and little as you could?—Yes, that is the way I have gone on.

1663. Did you pay off the tools in the same way, the 2 *l.* 11 *s.*?—Yes.

1664. There is some balance due on the tools?—Yes, and on the other, I believe.

1665. After you had polled, was it a person of the name of Martin, the foreman, that you told to borrow 1 *l.* for you of Mr. Baker?—I told him I was short of money, and wished to know whether he would ask Mr. Baker whether he would let me have some.

1666. It was through Martin the message went?—Yes, he delivered it.

1667. Martin brought you 1 *l.*?—Yes, he did.

1668. Did you, in 1854 and 1855 and in 1856, continue to pay small sums to pay off the loans and the tools?—Yes.

1669. Have you, off the loan of 1 *l.* in 1857, paid 15 *s.*?—Yes, that is right.

1670. Sent your wife with the money?—Yes, I did.

1971. Was there money due from you at that time, when he let you have this last 1 *l.*?—I owed Mr. Baker money then.

1672. Do you know how the account stands between you now, whether you still owe him something?—I know I still owe him something.

1673. Do you know how much you owe him?—No, not exactly.

1674. Was not that 1 *l.* a loan to you; did you understand it so?—I did not understand it at first. I thought, when I first had the sovereign, it was for my travelling expenses, till I went to Mr. Baker's house. I had been chastised, with my wife, for changing a 5 *l.* note and me having a new suit of clothes, and her having ordered a silk dress, which I went to see Mr. Baker about. I was very much put out about it, people telling me about it in the street. He said to me "I have never given you anything; I lent you a sovereign, which I put down to your account." I said, I was not aware of that; I thought it was for my expenses. "Oh, no," he says, "I have nothing at all to do with that."

1675. Then, I suppose, after that you paid him the 15 *s.*, or was it before?—After that.

1676. Is Mr. Baker in a large way of business?—Yes, he is.

W. Diprose.

6 July 1857.

1677. I think you told this gentleman, when he asked you, that when Mr. Baker asked you to vote for Messrs. Hope and Scott, he said he would not turn a straw, or some such expression?—He did; those were the words; and "Vote which way you think proper."

1678. "Vote which way you like, for I will not turn a straw?"—That was the the words he said to me.

Re-examined by Mr. *Phinn.*

1679. When you had the money you understood it to be for your expenses?—Yes.

1680. You asked, that is, for your expenses going up to the poll, and expenses you had been put to?—It was as you might say; there was coming in.

1681. Coming in from where?—Coming in from Wateringbury to Maidstone.

1682. How did you come in?—By train.

1683. What did you pay for it?—2 *s.* 8 *d.* altogether.

1684. For five miles?—For both ways.

1685. Where do you live?—Wateringbury.

1686. Two shillings and eight-pence for five miles?—There and back.

1687. Did you take a return ticket?—No.

1688. What does it cost for a return ticket from Wateringbury to Maidstone?—I do not know.

1689. Have you never taken one?—Not a return ticket.

1690. How did you come?—First class.

1691. That is first-class fare?—One shilling and four-pence each way.

1692. You say that you were chastised about it; how soon were you chastised about it, as you call it, after the election?—About what?

1693. About your wife having a silk dress and changing a 5 *l.* note?—That was pretty well two months after.

1694. Was it pretty well two months after you got the sovereign that you saw Mr. Baker about it?—That was the time I heard of it.

1695. Had you said anything to Mr. Baker in the meantime about it?—I had not seen him, I do not believe, not from the time up to then.

1696. Had you been ever applied to for payment of that 1 *l.* by Mr. Baker?—Well, I went to his house, and I told him.

1697. Before you went to him?—I had not seen him.

1698. Had he sent to you?—No, he had not sent for me; he never does send to me.

1699. For two months you thought that the sovereign was for your travelling expenses; was that so?—Yes.

1700. Till you went to Mr. Baker's house?—Yes.

1701. Had Mr. Baker come to you at work at Wateringbury?—No.

1702. Did his foreman come?—No.

1703. Do you know Mr. Simmonds, the tailor?—Yes.

1704. Is he a purple?—I believe he is.

1705. Do you know his son?—Which one?

1706. I do not know which one; has he got a son?—I believe he has a son.

1707. Do you remember his coming to Wateringbury after you had been chastised about this?—I believe that was his name; Simmonds did come to Wateringbury.

1708. Did he come before you saw Mr. Baker?—Yes, he did.

1709. That is where you work?—Yes.

1710. He came before you saw Mr. Baker; had you told Saxby, the foreman of Mr. Leney, what you had received?—He came in the shop and asked me what I had received. He says, "Did you get paid for your travelling expenses; did you stick it on to them pretty middling?" I says, "As regards that, I had a sovereign," as I thought all along.

1711. Was that the chastising you spoke of?—Yes; he came in the shop and told me about the 5 *l.* note; he told me two gentlemen came over to the house where my wife had changed the 5 *l.* note; that I had ordered a suit of clothes, and she had a silk dress.

1712. Had

1712. Had your wife changed the 5 *l.* note?—No. *W. Diprose.*

1713. Had you not given her one?—No.

1714. It was after Simmonds came over that you went over to see Mr. Baker? —No; this was before the election when Simmonds came; he came in the shop and asked me which way I intended going; I told him I did not know exactly, he stopped some few minutes and went off. 6 July 1857.

1715. Have you seen Simmonds since the election?—Yes, I have.

1716. Did he come over to Wateringbury since the election?—No, not since the election.

1717. Have you seen Simmonds since the election?—I have seen him.

1718. Did he come over to Wateringbury to you?—No.

1719. Have you seen him at Maidstone?—Yes.

1720. Mr. *Serjeant Pigott* (through the *Committee*).] You dropt something about, "did not like their ways, abolishing the freemanship," had you heard during the canvass that Messrs. Lee and Mildmay intended abolishing the freemanship?—I heard some men standing round the market saying that they intended to do away with the freemanship, and I thought I would not vote against my freemanship, and not against my children.

1721. You are a freeman?—Yes.

1722. You thought that Messrs. Lee and Mildmay were against the freemanship?—Yes.

Examined by the *Committee.*

1723. When you voted for Messrs. Hope and Scott, had you the expectation of getting money?—No, I had not.

1724. Did any one tell you to send that 15 *s.* or whatever you could pay on account of that 1 *l.*, to Mr. Baker?—No; when I was at Mr. Baker's house I told him I should send him some money before long.

1725. Was this repayment of that 15 *s.* entirely your own act; did any one advise you to repay it?—Mr. Baker told me it was to be repaid.

[The Witness was directed to withdraw.

William Cole was called in; and, having been sworn, was Examined by Mr. *Phinn,* as follows:

1726. ARE you a labourer, living in the London-road, Maidstone?—Yes. *W. Cole.*

1727. Had you a vote for the last election?—I had.

1728. Whom did you vote for?—Mr. Hope and Scott.

1729. Do you remember seeing Marley before the election?—Never.

1730. Do you know a person of the name of William Henry Masters?—Yes, I know him very well.

1731. Do you recollect his coming to you before the election?—He never did.

1732. Did you see him after the election?—No.

1733. Nor Marley?—No.

1734. Did you go sometime after the election to Dunks, the publican; the King's Head?—Very likely; I might go there 20 times a day, sometimes.

1735. Did you see Marley there?—No.

1736. Did you see Masters?—No.

1737. Did either of them apply to you for your vote before the election?—Never did, either of them.

1738. When did you promise to vote for Messrs. Hope and Scott?—I never promised no time at all; I went according to my own judgment.

1739. Were you ever canvassed by anybody?—No, not by no one.

1740. Nobody applied to you?—No; and never want no canvassing, I do not.

[The Witness was directed to withdraw.

Mr. *Thomas Rowles* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *T. Rowles.*

6 July 1857.

1741. WHAT are you?—Assistant to Mr. Edmead, the woollen draper, of High-street, Maidstone.

1742. Do you know Earl-street?—Yes.

1743. Do you know a gentleman of the name of Thomas Goodwin?—Yes.

1744. What is he?—A solicitor in Maidstone.

1745. Do you remember seeing Messrs. Hope and Scott in Earl-street, canvassing?—Yes.

1746. How long before the election?—I should think about 12 days, as near as my memory would serve me.

1747. Did you see anybody with them?—Yes; I saw several gentlemen with them.

1748. Among them did you see Mr. Goodwin?—Yes.

1749. Do you remember being on the evening of the nomination near the Bell?—Yes.

1750. Do you remember seeing Mr. Hope and Mr. Gilliam there?—I saw them come out from the Bell.

1751. Sometime afterwards did you see Mr. Goodwin?—Yes.

1752. Where was he?—At the foot of the stairs leading to what was called, or generally understood, the Conservative committee-room.

1753. Who was with him?—Mr. Monkton, jun.

1754. Is that the son of the town clerk?—Yes.

1755. Are you quite sure of that circumstance?—Yes; I am quite sure of the circumstance, because I think I was there in conversation with Mr. Monkton some 10 minutes or a quarter of an hour. Mr. Goodwin was present the whole of that time, and Mr. Goodwin spoke to me. What the words were I do not remember exactly.

Cross-examined by Mr. Serjeant *Pigott.*

1756. How many gentlemen were there with Messrs. Hope and Scott when you saw Mr. Goodwin and Mr. Monkton among the number?—I should think from 10 to 12.

1757. Professional gentlemen and tradesmen in Maidstone, I suppose?—Yes.

1758. Respectable looking people?—Yes, they were gentlemen of Maidstone; inhabitants of Maidstone; persons I have an opportunity of knowing.

1759. Not persons that you know by name?—Yes, some of them; most of them, I know; I dare say I might have known them all at the time; I do not remember the whole of them.

1760. Were they walking together; walking about?—Yes, they were going from house to house.

1761. Near the door on the evening of the nomination-day; I think you say you saw Mr. Goodwin at the foot of the stairs?—Yes.

1762. Is that an open public place, the entrance to the hotel?—Yes, a carriage drive up through.

1763. There is a carriage drive that goes through, and then the stairs go up from that carriage drive?—Yes.

1764. In this open place you saw Mr. Goodwin?—Yes, I was in the carriage drive opposite the stairs, very near; so near that we could have shaken hands.

1765. Were there many other people there?—Yes, several; he was elevated, being upon the wooden——

1766. I do not doubt that you saw him; I want to know whether there were a number of persons there?—Yes.

1767. Standing about?—Yes.

1768. Was there any excitement at that time?—There was.

1769. Everybody taking an interest; that was the great central point of interest?—That was one point of interest.

1770. You never went into the committee-room yourself?—No; I was invited to go into the committee-room; I did not do so.

1771. By

Mr. *T. Rowles.*

6 July 1857.

1771. By the *Committee.*] Are you not a voter?—I am a voter in Maidstone.

1772. Mr. Serjeant *Pigott.*] Who else did you say you saw there; I think you said Mr. Gilliam?—I saw Mr. Gilliam come out; that might be an hour and a half before.

1773. Out of the hotel?—Yes, out of the hotel, with Mr. Hope, arm in arm.

1774. I suppose the staircase that leads to the committee-room leads to other places?—I have no doubt.

1775. To other parts of the house?—I have no doubt.

1776. You had not been up, in fact?—I had not been up the stairs; which room was occupied by the committee, if the committee was there, I do not know.

1777. By the *Committee.*] Whom did you vote for?—For Lee and Mildmay.

[The Witness was directed to withdraw.

Mr. *Alfred Miller* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *A. Miller.*

1778. Are you a Grocer and Draper, living in Union-street, Maidstone?—Yes.

1779. Are you a voter?—Yes.

1780. Who did you vote for at the last election?—Lee and Mildmay.

1781. Do you know a village called Wateringbury?—Yes, I do.

1782. About five miles from Maidstone?—Yes.

1783. Were you engaged on a job for a Mr. Weston on the 20th and 21st of March last?—I was.

1784. The 20th would be Friday, and the 21st Saturday?—Yes.

1785. Do you remember seeing Messrs. Hope and Scott at Wateringbury?—I remember seeing Mr. Goodwin and two gentlemen, who I believed or supposed to be Mr Hope and Scott, but to know them particularly I could not speak, because they had never been introduced to me.

1786. At that time you did not know them?—I was not positive.

1787. Did you afterwards see them and know them?—On the 21st of March, returning to Maidstone, proceeding up Week-street.

1788. Did you afterwards see and know Messrs. Hope and Scott?—I did.

1789. Did you recognise them as the gentlemen you had seen at Wateringbury?—I did not; I did not see sufficient of them at Wateringbury to recognise them again.

1790. But you saw Mr. Goodwin at Wateringbury?—Yes.

1791. Were you afterwards in Maidstone?—I was.

1792. Do you recollect the day?—On the 21st of March.

1793. Did you see Mr. Goodwin there?—I did.

1794. Was anybody with him?—Two gentlemen were with him, coming down Week-street.

1795. Did Mr. Goodwin come up to you?—I endeavoured to avoid Mr. Goodwin; I saw him some distance, coming several yards distant, in the centre of the road, and I went round into High-street. He was coming down Union-street, and he followed me, and tapped me on the shoulder, and says, "Mr. Miller ——"

1796. Did Mr. Goodwin, at that interview, introduce you to anybody?—He introduced me to Mr. Hope and Scott.

1797. Previously to the introduction, had he said anything to you?—Not a word. Yes; Mr. Goodwin overtook me, as I said before, before Mr. Scott and Hope came up; and Mr. Goodwin had solicited me for a vote for Mr. Scott and Hope; and I said to Mr. Goodwin, "I may as well be candid with you; I have promised my vote, and it would be a violation of conscience, and I would not." During that time Mr. Scott and Hope came up, and were introduced by Mr. Goodwin as Mr. Scott and Hope.

1798. Did either of them ask you anything?—They asked me to give them a vote; and I said, "I cannot do it;" they said, would I split one and one; and I said, "No, I have made a promise, and I cannot break it."

Mr. *A. Miller.*

6 July 1857.

1799. Before the introduction of Messrs. Scott and Hope by Mr. Goodwin, had he mentioned Wateringbury at all?

Mr. Serjeant *Pigott* objected to the question.

1800. Mr. *Phinn.*] Before the introduction of Messrs. Scott and Hope by Mr. Goodwin, had he mentioned Wateringbury at all?—Mr. Goodwin said, "We have been to Wateringbury, but could not find you."

[The Witness was directed to withdraw.

John Richard Ford was called in; and, having been sworn, was Examined, by Mr. *Phinn*, as follows:

J. R. Ford.

1801. DO you live at Maidstone?—Yes.

1802. Are you a plumber?—Yes.

1803. In the course of the election, did you see Mr. Goodwin canvassing with Messrs. Hope and Scott?—I believe I did.

[The Witness was directed to withdraw.

Thomas Bodkin was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. Bodkin.

1804. WHAT are you?—The town carter.

1805. Do you live at Maidstone?—Yes.

1806. You carry goods from the railway to the town for anybody that will employ you?—Yes.

1807. Do you know Mr. Goodwin, the attorney?—Yes, very well indeed.

1808. Do you know Messrs. Hope and Scott?—Very well indeed.

1809. Did you see them in Upper Stone-street at any time canvassing?—Yes.

1810. Was Mr. Goodwin with them?—Yes.

1811. When was that?—Something like two or three days before the election; I cannot tell the date.

Cross-examined by Mr. *Venables.*

1812. Were there other persons with them?—Yes.

1813. How many persons were with them?—Very probably nearly 20.

[The Witness was directed to withdraw.

Mr. *Edmund Mills* was called; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *E. Mills.*

1814. ARE you a Chemist, living at Wheeler-street, Maidstone?—Yes.

1815. Were you at the Duke of Marlborough the night before the polling?—Yes.

1816. Do you know a man named Sturgis?—Yes, very well.

1817. Do you know Mr. Goodwin, the attorney?—Yes.

1818. Did you see Mr. Goodwin and Sturgis go anywhere from the Duke of Marlborough?—Yes.

1819. Where to?—Through Church-street to the Three Tuns.

1820. Were they together?—Yes.

1821. Walking together?—Yes.

1822. How near were you to them?—Some several rods.

1823. Do you know Messrs. Hope and Scott?—Yes.

1824. Have you ever seen them canvassing?—Yes, repeatedly.

1825. Have you ever seen Mr. Goodwin with them?—Yes.

1826. When they have been canvassing?—Yes.

Cross-

Cross-examined by Mr. *Venables.*

1827. Did you follow Sturgis and Mr. Goodwin from the Duke of Marlborough to the Three Tuns?—Yes.

1828. Are you a voter?—Yes.

1829. Which side?—The Liberal side.

1830. Lee and Mildmay?—Yes.

1831. You say that you were some rods off?—Yes.

1832. Who were with Mr. Goodwin and Mr. Sturgis?—Several.

1833. Do you know who they were; do you know any of them; do you know Mr. Argles?—Young Mr. Argles.

1834. Was he with them?—Yes.

1835. Do you know a man named Featherstone; was he with them?—Yes, he was with one of them.

1836. Do you know a man named Baker; was he there?—I did not observe him.

1837. How did the people walk who were with Sturgis, as they went up Church-street?—One or two arm-in-arm

1838. With whom?—With Sturgis.

1839. Who was arm-in-arm with Sturgis?—Mr. Goodwin.

1840. Who else?—I think Mr. Featherstone.

1841. Sturgis had hold of Mr. Goodwin's arm on one side, and somebody else had hold of his arm on the other?—I am not positive; one person had hold of Sturgis's arm.

1842. Were they close together?—No.

1843. Were some of them close together?—Mr. Goodwin was in immediate proximity with Sturgis.

1844. You think somebody had his arm on the other side?—At one time.

1845. Going through Church-street?—Yes.

1846. Could you see enough of Sturgis to tell whether he was sober or drunk?—He was not intoxicated when I saw him.

1847. You saw him come out of the Duke of Marlborough?—Yes.

1848. Did you see him enough to be sure he was not intoxicated?—Yes.

1849. Having your attention called to this; one witness has said that he did appear to have had something to drink?—He certainly had had something to drink, but he was evidently far from being intoxicated.

1850. You could see from his manner and appearance that he had had something to drink?—From his appearance I should not suppose at that moment he had had much to drink; he was anything but being in a state of intoxication.

1851. Had you any particular reason for following him, or did you happen to be walking the same way?—I had particular reasons.

1852. What were your reasons?—Knowing that there was a plant laid upon him by the opposite party.

1853. Did you suppose that Sturgis was open to a bribe?—I had no reason to suppose he was.

1854. Did you know anything of his applying at any time to your party, the Blue party, for money?—No.

1855. You merely suspected that there was a plant; I suppose you know that Mr. Goodwin had had a conversation with him?—I knew that Mr. Goodwin was planted upon him with some others.

1856. What do you mean by planted?—They were determined to get his vote at any risk.

1857. How did you know they were determined to get his vote at any risk?—From information and observation.

1858. You did not hear them offer him anything, did you?—No.

1859. How do you mean from information and observation?—From the manner of the different parties.

1860. That is to say you saw they were very anxious to get his vote?—Yes.

1861. Did you see anything more than that?—No.

Mr. *W. Mills.*

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Re-examined by Mr. *Phinn.*

1862. You knew something of Maidstone before, I think?—Yes; I have resided in Maidstone for nearly thirty years.

1863. My learned friend has asked you what your idea was about this. How long had you seen Goodwin after Sturgis before they started?—I had not seen Goodwin previous to their starting from the Duke of Marlborough.

1864. Was it in consequence of some information which you have got that you watched him from the Duke of Marlborough?—Yes.

1865. Did you see Goodwin at any time alone with him, without anybody close to him?—Yes, a few rods apart from the others.

1866. Arm-in-arm with him?—Yes.

1867. Whereabouts was that?—That was in Lower Church-street, what we term Lower Church-street.

1868. How far from the Duke of Marlborough?—Twenty or 30 rods, or thereabouts.

1869. You said, in answer to my learned friend, that you formed the opinion that they were determined to have him at any risk. You knew, I suppose, what sort of man Sturges was?—I had some reason to suspect that he would perhaps yield to temptation.

1870. Did you know that he had been in difficulties?—Yes, very heavy difficulties.

1871. Was that pretty well known in the town?—Yes.

1872. Had you seen him in Maidstone for some time. Had he been absent for some time?—Yes, some short time.

1873. Had your suspicions been roused, and those of your party, by seeing him down there just at that time?—Not particularly.

1874. Were there other persons watching him besides you?—Several.

1875. Was it in consequence of some information you had received that you were tempted to go to the Duke of Marlbrough?—Yes.

1876. News had been brought, had it?—Yes.

Examined by the *Committee.*

1877. Did you hear any conversation between Mr. Goodwin and Sturges in Church-street?—No.

1878. Did you see Sturges next morning, or at any time?—No.

1879. You say that you think Sturges had been drinking, but was not intoxicated?—He had been drinking, because he had come down from London between four and five o'clock, and I happened to meet him, and had had some drink with him. I did not see him then till late in the evening, when I saw him go into the Duke of Marlborough. After that, there was many of the Liberal party who had made up their minds to watch the proceedings of the opposite party during that night, and my attention was called by a friend of mine to the circumstance of Mr. Sturges being in the Duke of Marlborough, and who was there with him, consequently I took my station at the house till he departed with Mr. Goodwin.

1880. When he came out of the Duke of Marlborough did you speak to him?—No.

1881. Had you any opportunity of judging fairly whether he was intoxicated or not?—Yes.

1882. You say he was not intoxicated, although he had been drinking?—He had been drinking, but he was not intoxicated.

1883. You had been drinking with him, you say?—Between four and five o'clock we had a small glass of grog between us.

1884. Did you pay for it?—No; it was to decide a bet which he had lost with me of a bottle of wine respecting the last year's hop duty, and I let him off with this glass of grog, which we drank between us, in consideration of the bottle of wine.

1885. Are you a voter?—Yes.

[The Witness was directed to withdraw.

Mr.

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Mr. *Venables* stated that he wished to put a few questions to Sturgis.

John Sturgis was called again; and, having been sworn, was further Cross-examined by Mr. *Venables*, as follows:

J. Sturgis.

1886. THERE is one point which I am not quite sure you have answered; did you walk up through Church-street from the Duke of Marlborough to the Three Tuns with Mr. Goodwin?—Yes.

1887. Who else was with you there?—No one was with us.

1888. No one joining you?—No.

1889. Did any other person take your arm?—No.

1890. Were you arm-in-arm with Mr. Goodwin?—Yes.

1891. Were you arm-in-arm with any other person?—No.

1892. Not with Mr. Argles?—No.

1893. With Mr. Featherstone?—No.

1894. Do you remember on the afternoon of the election being at the New Inn?—Yes.

1895. That is a Liberal house?—Yes.

1896. Did you see Mr. William Randall there?—Yes.

1897. He is one of the Blue party, is he not?—Yes.

1898. Did you make any offer to him about voting for Lee and Mildmay?—No, I did not.

1899. Did you offer to vote for Lee and Mildmay on payment of 10 *l.*?—No.

1900. After anything that passed, did Randall say to you that he would see you damned first, or something of that sort?—No.

1901. That did not happen?—No.

1902. Do you know Mr. Tyrrel, the superintendent of police?—Yes.

1903. Was he at the New Inn at the time you were there when you saw Randall?—There was no one in the room.

1904. Not when you saw Randall?—No, not in the back room.

1905. When you went up to poll, were you in a state of intoxication?—No.

1906. What name do you go by in London?—Sturgis.

1907. Have you never gone by any other name in London?—No.

1908. Have you any other name?—No; John Sturgis.

1909. I want to ask you again about this transaction at the New Inn. You say that no such conversation passed between you and William Randall?—No.

[The Witness was directed to withdraw.

Mrs. *Emily Coleman* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mrs. E. Coleman.

1910. ARE you the wife of Charles Coleman, a gardener, at Fontfield, Maidstone?—Yes, I am.

1911. Do you remember being at home when Mr. Hope called?—Yes.

1912. Did anybody come with him?—Mr. Marley.

1913. Do you recollect what day this was?—No, not at all.

1914. How long before the election?—About a fortnight, I think.

1915. Did anybody come besides Mr. Hope and Mr. Marley?—Not to the door.

1916. Did Mr. Hope and Mr. Marley come to the door?—Yes.

1917. What passed between you and Mr. Hope in Mr. Marley's presence?—He asked if Mr. Coleman was at home; and I said, "No."

1918. Mr. *Venables.*] Who asked that?—Mr. Marley asked if he was at home.

1919. Mr. *Phinn.*] When you told Mr. Marley your husband was not at home, what did he say?—He said, "Had anyone been to ask him for his vote. I said, "No, not anyone;" and I told him it was of no use his calling, for Mr. Coleman was a Liberal.

Mrs. *E. Coleman.*

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1920. Did Mr. Hope say anything?—He asked if I would use my influence with Mr. Coleman, and I said I had no wish to do so.

1921. Did Mr. Hope then say anything to you?—Nothing more.

1922. Did you see Captain Scott at all there?—Yes; he was outside of the gate.

1923. After Mr. Hope and Mr. Marley got your answer, did you see them join Captain Scott?—Yes.

[The Witness was directed to withdraw.

Mr. *William Smith* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *W. Smith.*

1924. YOU are a timber-merchant, residing in Maidstone, I believe?—I am.

1925. Do you know Mr. Hope and Captain Scott?—Yes.

1926. Have you seen Mr. Marley and Mr. Goodman canvassing with them?—Yes.

1927. Mr. Goodman, the solicitor?—Yes.

1928. How often?—Several times.

[The Witness was directed to withdraw.

Mr. *Barnabas Baggs* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *B. Baggs.*

1929. DO you live in Maidstone?—Yes.

1930. What are you?—A merchant's clerk.

1931. Do you know Messrs. Hope and Scott?—Yes.

1932. Do you know Mr. Marley?—Yes.

1933. Have you seen Messrs. Hope and Scott canvassing?—Yes.

1934. Have you ever seen Mr. Marley with them?—Yes, with the body of gentlemen with Messrs. Hope and Scott.

1935. How often?—I do not remember but once.

Cross-examined by Mr. *Venables.*

1936. About how many gentlemen were there with Messrs. Hope and Scott?—Perhaps a dozen, as near as I can judge.

[The Witness was directed to withdraw.

Thomas Reynolds, was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. Reynolds

1937. ARE you a painter, living in Maidstone?—I am known by the name of Reynolds, but that is not my proper name. Roach is my name; but I am an illegitimate child, and I am known by that name well.

1938. You are known by the name of Reynolds?—Yes.

1939. Are you a painter in Maidstone?—Yes.

1940. Do you know Mr. Joslen, the stationer?—Yes.

1941. Do you know a room belonging to Mr. Amiss, the baker?—I do.

1942. That, we have been told, was used as a committee-room, in the High-street ward, by the Purple party?—Yes.

1943. Have you seen Mr. Hope ever there?—Yes, I have.

1944. How often?—On the Thursday night.

1945. Before the nomination-day?—Yes.

1946. Do you know Mr. Joslen?—Yes.

1947. Have you ever seen him there?—I have.

1948. How often?—Two or three times on the Friday night.

1949. Do you know Mr. George Wickham?—Yes.

1950. Have you seen him there?—I have.

1951. Do you know Mr. Lawrence?—Yes, I have seen him there.

1952. And Mr. Simmonds?—Yes.

1953. Do you remember at any time seeing Messrs. Hope and Scott canvassing in Gabriel's Hill?—I do. *T. Reynolds.*

1954. How long before the election was that?—I should think it was very close upon the election. I was working in Gabriel's Hill at the time. 6 July 1857.

1955. Was Mr. Joslen, the stationer, with them upon the occasion when you saw them?—I could not swear positively that he was upon that occasion.

1956. Did you see him upon any occasion canvassing with them?—I cannot swear positively that I did.

1957. By the *Committee.*] On Thursday night, when you saw Mr. Hope in that room, was Mr. Joslen there?—He was passing in and out two or three times on the Friday. It was Thursday that I saw Mr. Hope go into the room with Mr. William Wickham. We watched that room two or three nights. On Thursday night Mr. Hope went into the room with Mr. William Wickham: on Friday I never saw Mr. Joslen.

1958. On Thursday evening?—On Thursday evening. On Friday evening I saw him in communication with a man of the name of Robinson.

Cross-examined by Mr. *Venables.*

1959. Are you a Blue?—That is a question.

1960. Are you a supporter of Lee and Mildway?—I am a supporter of Liberal principles.

1961. Are you a voter?—No.

1962. Were you friendly to the Lee and Mildmay party at this election?—Yes; I was more in favour of the Liberal party.

1963. If this was a committee-room at Amiss's, how did you happen to be there?—We were watching it for the purpose of seeing who were going in and out.

1964. You were outside, not in the committee-room?—Close standing beside the passage.

1965. So that you could see who went in and out?—I could.

1966. Did you understand that everybody that went in was a member of the committee?—No. We knew who were the gentlemen composing the committee.

1967. You knew who were the members of the committee; did you see other persons go in and out besides the members of the committee?—I saw Mr. Robinson come out of there; he was a voter.

1968. I suppose you saw other voters come out?—No; I never saw any man in communication there but Robinson.

1969. How do you mean in communication?—With the persons going in. I saw a person of the name of Clark, and a man of the name of Amiss.

1970. Do you know enough of the way they go on at Maidstone to know that the voters go to transact business?—They say that they go to transact business.

1971. I suppose that the voters go there as members of the committee, or to see particular members of the committee?—I do not know what purpose they go for.

1972. Do not voters, who are not members of the committee, at Maidstone, go to the committee-rooms?—Not that I am aware of; I never had any business there.

1973. Mr. *Phinn.*] Do you know that Mr. Joslen is a committee-man?—I have reason to suppose that he was; he was one of the persons I was watching.

Examined by the *Committee.*

1974. What reason have you for believing Mr. Joslen to be a member of the committee?—I was many years ago upon an election; I happened to be a messenger for the Tory party many years ago; that was Mr. Wyndham Lewis's election, and Mr. Joslen was engaged upon that election for the Tory party, and I believe he has been with them ever since.

1975. So that is your reason for believing him to be engaged on Messrs. Hope and Scott's committee?—And seeing him about canvassing.

1976. What was he at the election to which you refer?—A sort of clerk in the committee-room.

T. Reynolds.
6 July 1857.

1977. Who did you name besides Mr. Joslen and Mr. Wickham?—Mr. Lawrence and Mr. Simmonds at the Bridge Wharf, and other gentlemen who are very active at election times.

1978. Mr. *Phinn.*] Do you know Mr. William Marley?—I do.

1979. Did you see him at Amiss's?—I could not swear positively to Marley. I see him come from there; he seemed to be passing to and fro; I never positively saw him come out of the house.

[The witness was directed to withdraw.

Mr. *William Bow* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. W. Bow.

1980. WHAT are you?—A builder.

1981. Do you live at Maidstone?—Yes.

1982. Do you know Joslen, the stationer?—Perfectly well.

1983. Do you know Messrs. Hope and Scott?—Yes, by their being introduced to me.

1984. Who introduced them to you?—Mr. Merroney introduced Mr. Hope.

1985. I am asking about Mr. Joslen; you say you know Messrs. Hope and Scott; have you seen them about canvassing?—Yes.

1986. Have you seen Mr. Joslen about when they were canvassing?—Yes, when they canvassed me.

1987. Was that at the same time Mr. Merroney introduced you to them?—Yes.

1988. Where was that?—It is called the Boxley Road.

1989. How long before the election?—It might be eight or ten days, I should think.

1990. Merroney introduced you, and Joslen was there, you say; were many other people there?—Yes, William Henry Masters; he spoke to me several times.

1991. When Messrs. Hope and Scott were introduced to you, did they ask you for your vote?—Yes.

Cross-examined by Mr. *Venables.*

1992. How many others were there when you saw Mr. Joslen with Messrs. Hope and Scott?—I should think there were 20 altogether; I think there was.

1993. Mr. Joslen was not the person who introduced you to Messrs. Hope and Scott?—Mr. Merroney he knowing well.

1994. Did you promise Mr. Hope?—No.

[The witness was directed to withdraw.

Charles Larkin was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

C. Larkin.

1995. ARE, you a fishmonger, living at Maidstone?—Yes.

1996. Have you a vote for Maidstone?—Yes.

1997. Who did you vote for at the last election?—Hope and Lee.

1998. Who canvassed you for your vote?—Messrs. Hope and Scott.

1999. Who was with them when they canvassed you?—There was several with them.

2000. Amongst those persons did you see Mr. Benjamin Ruck?—Yes.

2001. Did they canvass you at your house, or at your shop?—The shop.

2002. Do you remember how long before the election it was?—I cannot exactly say.

2003. A few days?—Yes, a few days.

2004. Who came first into your shop?—They all came round there.

2005. Who came in?—They did not come in at all; they stood at the door, Messrs. Hope and Scott.

2006. Did you hear Ruck say anything?—He said "All right here."

2007. Who did he say that to?—To the parties assembled round.

2008. Were

2008. Were Messrs. Hope and Scott in hearing then?—I should say they was. *C. Larkin.*

2009. Who asked you for your vote?—Mr. Hope. 16 July 1857.

2010. What did you say?—I said, "Yes, I will vote for you."

2011. Did he ask you for your vote for Captain Scott?—Yes.

2012. What did you say?—I said, "No, I cannot promise you, Sir."

2013. Did Ruck call you anything when you said you could not promise?—After they had got away, he called me a half-and-half man.

Cross-examined by Mr. *Venables.*

2014. Could you tell how many people there were with Mr. Hope and Captain Scott?—I do not know; six or seven, or seven or eight; I cannot say exactly.

[The witness was directed to withdraw.

Henry Lower was called again; and, having been sworn, was further Cross-examined by Mr. *Venables.*

2015. YOU spoke the other day of a letter which was written to you by Mr. Monkton, or Mr. Giles, about your rent, did not you?—Yes, I did. *H. Lower.*

2016. What was the first conversation you had with Giles about that?—The first conversation about the letter, I think it was Wednesday before the election.

2017. Was that before you received the letter?—Yes, before I received the letter.

2018. Did you go to Giles before that letter was written, and ask him to send you a letter about the rent?—No.

2019. Are you certain you did not?—I am quite certain.

2020. You did not ask him to write you a letter, stating how much rent was in arrear?—No, I did not; it was Giles's own proposition.

2021. When you received the letter, did you expect it before?—What did you say?

2022. When you received the letter, were you surprised, or did you expect to receive such a letter?—I was not surprised at all, because I expected I should receive something of the sort.

2023. Why did yo uexpect to receive something of the sort?—Because it was Mr. Giles's proposition himself.

2024. That he should write the letter?—That he should write the letter.

2025. For what purpose did Mr. Giles propose to write the letter?—For the purpose of the election.

2026. For what purpose?—I was to mind how I voted, and there was not the least doubt I should have my rent squared off.

2027. That was before any letter was written?—Yes.

2028. I thought you said the other day that Mr. Giles did not take any part in the election in canvassing you?—He did not take any part in asking me to vote either way.

2029. He said you would be sure to have your rent squared off?—Yes.

2030. You are sure that you did not first ask Mr. Giles to write you such a letter?—I am confident of it.

2031. Did you see Mr. Giles after the election, and converse with him upon this subject?—Very trifling.

2032. Did you tell Mr. Giles after the election to whom you had shown the letter?—Not that I am aware of.

2033. Did he tell you that you had got him into a great row?—I am not aware that he said so.

2034. Did he express any anger with your conduct about the letter?—None whatever.

2035. Have you got your rent-book to show the amount of the rent?—Yes, it is outside. (*The Witness produced a small book, which was handed to Mr. Venables.*)

2036. Who is that rent-book kept by; is the rent entered by Mr. Giles?—Yes, by Mr. Giles.

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2037. Is it a correct statement up to the present time?—As near as I am aware.

2038. I should like to understand what you mean by the letter being written to you on Mr. Giles's proposition; how came it to be necessary for Mr. Giles to make the proposition?—He said I was a damned fool if I did not have the money before I voted this time.

2039. How was the letter to help you about that?—Provided I showed it to any gentleman of the committee, there was no doubt they would settle the rent for me.

2040. The understanding between you and Mr. Giles was, that he was to write you a letter, saying that there was a considerable arrear of rent, which letter you might show to a gentleman of the committee, and get the money?—Yes.

2041. That was Mr. Giles's suggestion, and not yours?—Yes, it was Mr. Giles's suggestion; I said I had a thought of the same thing myself.

2042. You did not tell Giles of that thought; he thought of it first?—He spoke of it first.

2043. The same thing occurred to both, that it would be a good plan?—I cannot tell whether he thought of it first, but he spoke of it first.

2044. It was, that you were to write a letter, I understand?—Me to write?

2045. Giles was to write?—That is right.

2046. When you got the letter, did you think it was in pursuance of the arrangement with Giles?—I had rather my doubts, because he said it was Mr. Monkton's intention of having the rent.

2047. Were you rather in doubt after this arrangement with Giles whether he had written the letter or not?—Yes.

2048. You thought he had forgotten to write the letter, and Mr. Monkton had written?—Yes.

2049. Did you think that Giles had written the letter, or Mr. Monkton?—I am certain Giles wrote it.

2050. Did not you show it Mr. Joslen?—Yes, I showed it to Mr. Joslen.

2051. And Mr. Joslen said it was not Mr. Monkton's writing, because it was badly spelt?—Yes, he was sure it was not Mr. Monkton's, because it was spelt bad in two places.

2052. Did you tell him that you knew it was not from Mr. Monkton, but from Mr. Giles?—I did not tell him.

2053. Had you at that moment the least doubt that it was from Giles, in pursuance of your understanding with him?—Mr. Monkton never received my rent.

2054. When you received the letter had you the smallest doubt that it was from Giles, in consequence of that arrangement with you?—I had rather my doubts about it.

2055. When Mr. Joslen said he thought it was not Mr. Monkton's writing, you did not tell him that you thought it came from Mr. Monkton?—I do not understand you.

2056. Mr. Joslen told you he thought it was not from Mr. Monkton, because it was badly spelt?—He did.

2057. Did you tell Mr. Joslen that you agreed with him that it was not from Mr. Monkton, or did you say any thing about it?—Mr. Joslen said "Who gathered your rent?" I told him "Mr. Giles;" that was the first conversation.

2058. Did you explain to Mr. Joslen that this letter was from Giles, and not from Monkton?—I did not explain anything to him.

2059. You left him to suppose that you thought it was from Mr. Monkton?—Exactly so.

2060. You say that Giles never remonstrated afterwards, and said that you had got him into a row?—Not to my recollection.

2061. Have you not since said, that Giles said that you had got him into a row?—I have no recollection of it.

2062. Your landlord is Mr. Monkton, the father, is it not?—I believe it belongs to the whole family.

2063. Who do you consider your landlord?—I consider Giles to be my landlord.

2064. You knew that Giles was not your landlord in his own right?—Of course.

2065. Does the property belong to Mr. Monkton, the father, or Mr. Monkton, the son?—I believe it belongs to the whole of the Monktons.

2066. Is

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2066. Is it Mr. Giles's writing, all these entries in the book (*showing the book to the Witness*)?—I believe all except that one you see, one that is marked; that is his good lady's.

2067. What week was it that the rent was let off?—You will see it there.

2068. What week was that that the rent was let off?—The week after the election; the election was on the Saturday.

2069. When is your rent due?—On the Monday; on the Saturday as the election was; Giles never called for the rent on Monday.

2070. The following Monday?—Yes.

2071. Was he in the habit of calling every week?—Nearly so.

2072. Monday was the day of the declaration of the poll, was not it?—Yes.

2073. What does this "cash" mean?—I do not know; that is as he put it down.

2074. Have you always had a book of this kind?—That is nearly the whole of the books I have had.

2075. Is "cash" always entered opposite each sum?—That is as I have it.

2076. Is every item entered "cash"?—That is the book I have had pretty nearly the whole time; no other.

2077. What does "cash" mean opposite each payment; does it mean that it is a payment of money, or money due?—I do not know the meaning exactly.

2078. Mr. *Phinn.*] When you pay Giles in money, he puts down "cash"?—Yes; or do any shoes, he puts down the same, and I am satisfied.

2079. Mr. *Venables.*] February 9th, I see "cash, five shillings," and February 23d, "cash, five shillings;" what does that mean; those are the only two entries in February; there is one entry in January, and two in February (*showing the book to the Witness*), does it mean that you paid once in February?—As you see the marks there, so I have paid them.

2080. The sums you pay are put down here; what you do not pay are not put down?—No.

2081. Everybody knows what is due; the only question is what you have paid. I see in December you paid twice, that appears in the book; you made two five shilling payments in December?—As it is there I have done it.

2082. One in January, two in February, and two in March. There appear to have been, therefore, a great many weeks put down here; were all these weeks excused?—As far as I can believe, I am squared off with the rent.

2083. Did you believe that you were, before the election, "squared off" for three out of four weeks for January?—Not until I voted.

2084. Before you voted, in January, did you believe you were "squared off?" There is only one payment in January; did you believe that you were "squared off" for the other three payments in January?—Certainly not; how could I expect?

2085. There are only two entries in March; how does it show that the others are "squared off"?—You will find many other places where there is no entry.

2086. There is no entry the last week in March?—Yes.

2087. Do you know anything about it, but that you did not pay? Have you any reason to suppose that that particular week was excused, except that you did not pay?—I do not understand.

2088. Did anybody ever tell you that that week was excused?—The election week?

2089. Yes?—No; only so far as this—they never came for the rent. (*The Witness handed a book to Mr. Phinn.*)

2090. Mr. *Phinn.*] Whose writing is this?—That is two notes I have received from Mr. Monkton at different times.

2091. Mr. *Venables.*] All you know about the rent for that election week, or any other, is, that you have not paid it?—I have not paid it to my knowledge; not to my recollection.

Further re-examined by Mr. *Phinn.*

2092. Did Giles apply to you every week for your rent?—Sometimes he neglected to come.

2093. Supposing he neglected to call, he came the next week?—If he neglected to come on Monday, he might come on the Tuesday.

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2094. Did he come every week to see what you could pay?—Since the election?

2095. Generally?—Generally he was in the habit of coming.

2096. Suppose he did not come on one Monday, and came the next, did he ask you for 5*s.* or 10*s.*?—He seldom asked me for anything. He used to come and say, "Well, snob," or "Well, Lower," or anything like that.

2097. And I suppose you paid him?—I used to throw it down with the book with it.

2098. Is there any place where the arrears are brought up; I see the arrears are brought up in January to 5*l.* 9*s.* 6*d.*?—It is more than that.

2099. Are the arrears brought up 5*l.* 9*s.* 6*d.* (*showing the book to the Witness*)?—It was more than that; that is Mr. Giles' doing.

2100. You paid as you could, and once now and then the arrears were made up; is that so?—To tell you the truth, I could have often paid if I chose.

2101. You did not?—I did not, and I will give my reasons for not paying if you please.

2102. Why did you not pay?—When it was talked of Mr. Hope coming forward as a Member, I thought we should be safe to be 10*l.*, as he had been in the habit of giving 10*l.* at the election before. That was about the talk we used to have among ourselves.

2103. You thought you would wait till the election, and get your rent paid?—Yes; in fact, I spent the money down there two or three times.

Mr. *Phinn* stated that he would now go into the evidence of the witness with respect to other matters.

2104. Mr. *Phinn.*] Let us hear a little about the "Constitutional Society." I believe you have been a member of the "Constitutional Society"?—Pretty near two years; 18 months or two years it is going on, I think. Mr. Pearson can tell you.

2105. Who is secretary to that society?—Mr. Pearson is one of them now.

2106. Is that the gentleman that is Mr. Hope's election agent?—I believe he is. Mr. Pearson sits at the table, and generally takes the names as they are proposed and seconded.

2107. To become a member, was it necessary to be proposed and seconded?—You are proposed by a member and seconded by another.

2108. Then, is there voting for you?—They go to a show of hands whether you shall be a member or not.

2109. Then you are elected?—Yes.

2110. Are there any rules of the society?—There is no rules I am aware of; no further than they talk about supporting such and such members, and such things.

2111. Do you pay any subscriptions?—I received; I never paid.

2112. How often do they meet?—Generally once a month, I think; I will not be sure whether it is exactly that or not, but nearly so.

2113. Where were the meetings held?—Sometimes at the school-room, sometimes at the Corn Exchange.

2114. Which is the largest room, the school-room or the Corn Exchange?—The Corn Exchange; that is where the gentlemen came among us; Mr. Hope and Scott, and such as them.

2115. Is anybody admitted, or only members at these meetings?—We mostly have a man at the door to let none in but our members; they are supposed to have a circular.

2116. Is that the sort of circular that is sent (*showing a paper to the Witness*)?—Yes.

2117. "Maidstone Constitutional Society. Fourth anniversary. Sir,—A meeting of the members of the Constitutional Society will be held on Monday evening, June 15th, at the Corn Exchange, when your attendance is requested. I am, sir, yours faithfuliy, Robert Pearson, secretary. Maidstone, June 11th 1857. Chairman for the evening, E. Stacey, Esq. The chair to be taken at eight o'clock punctually.—P. S. This notice to be produced at the door, if required." Is that the ordinary form of notice you used to receive?—Yes, only in an envelope, and your name on the back.

2118. All square and straight?—Yes.

2119. You say you were a member for about two years; are you a member now?—I say nearly two years.

2120. Are

2120. Are you a member now?—I have been told since I have been up here that my name is scratched off.

2121. Were you a member up to the time of the election?—Yes.

2122. Do you remember a meeting being held of the Constitutional Society to consider who should be candidates at the election?—At the last time?

2123. Yes?—Yes.

2124. Do you remember how long before the election that meeting was held?—I cannot exactly say.

2125. What are you looking at there?—I have some cards of the dates.

2126. There was a special meeting of the Constitutional Society to select your candidates?—Yes.

2127. Or rather to receive them?—It was to put them in nomination.

2128. Where was the meeting held?—There was so many meetings about that time.

2129. Do you recollect where the meeting was to receive the candidates?—They had a meeting at the Bell; a meeting down at the Constitutional rooms.

2130. Do you remember Mr. Hope and Captain Scott coming to the meeting at the Constitutional rooms?—I have seen Mr. Hope once or twice, and Mr. Scott a great many times, because he has been the chairman several times.

2131. I want to call your attention to the time when Mr. Hope made a speech?—You mean at the Corn Exchange; that was the first time he came to Maidstone, as regards this election.

2132. Did he make a speech to the members of the Constitutional Society?—Yes, Mr. Hope.

2133. Was Captain Scott present on that occasion?—He was.

2134. Was that a morning or an evening meeting?—An evening meeting, at least it was the evening I was at; there was a meeting in the morning among the committee.

2135. Was it a wet or dry meeting?—To tell you the truth, I did not care about much wet that night; I did not look after it.

2136. Did you get any?—I was offered a drink, and I merely sipped it.

2137. Was there drink?—There was drink, but I hardly sipped a drop; I was not in want of it.

2138. You went in the temperance way that evening?—I went to live and learn that evening.

2139. How many people attended that meeting?—I cannot say.

2140. Was the room nearly full?—There might be 600 or 700; there was a great many there.

2141. Was there drink there?—Yes.

2142. Who paid for the drink?—

Mr. *Venables* objected to the question.

2143. Mr. *Phinn.*] You said you attended this meeting of the Constitutional Society where Mr. Hope and Captain Scott were, and where 700 or 800 people were; did you see drink there?—I see some; but which I do not know who paid for.

2144. Did you see people call for drink?—To tell you the truth, I did not notice them calling for some; I was rather out of the way.

2145. Did you see people drinking?—I did.

2146. Did you see anybody pay?—I cannot say that I did.

2147. At that meeting you say Mr. Hope made a speech?—Yes.

2148. Did Captain Scott make a speech?—He did, and Mr. Hope too.

2149. Do you know whether Captain Scott had been a member of the Constitutional Society before?—Yes, of course.

2150. Had he ever taken the chair at the meetings?—Several times.

2151. How recently previously to the election had he taken the chair?—I can hardly say, not to be true.

2152. Was it a month, or six months, or 12 months; had he within the last six months?—Yes.

2153. Perhaps you can tell us the name of some member; do you know Mr. Goodwin?—Yes.

2154. Was he a member of the Constitutional Society?—Yes, he was one of our speakers, and made speeches.

2155. Do you know Mr. Joslen?—I do.

 2156. Was

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2156. Was he a member of the Constitutional Society?—I have seen him there, and his son too.

2157. Do you know Mr. John Monkton?—I do.

2158. Was he a member?—I have seen him.

2159. Mr. *Venables.*] Old Mr. Monkton or young Mr. Monkton?—Both of them.

2160. Mr. *Phinn.*] Do you know Mr. William Gilliam?—Not much of him; I know him a little; but not much.

2161. Has he attended meetings of the society?—I would not say, not to be positive.

2162. Do you know Mr. Joseph Parton?—I know him.

2163. Have you ever seen him there?—I might, but I will not say that I have.

2164. Do you know Mr. William Charles Short?—What do you mean, the big, stout man?

2165. Yes?—Yes, I know him well.

2166. Have you seen him at the Constitutional Society?—He is the doorkeeper in general.

2167. Is the doorkeeper one of the members?—I believe he is.

2168. Do you know Mr. George Sims Marley?—I do not know much of him.

2169. I do not want to know how much you know of him; do you know him?—I will not say that I do.

2170. Do you know Mr. Benjamin Ruck, the elder?—Yes.

2171. Have you seen him at the Constitutional Society?—Yes.

2172. John Adkins; do you know him?—The bricklayer's labourer, do you mean?

2173. The paper-maker?—I might have seen him, but I will not speak positively to it.

2174. Charles Baker, the younger?—Yes, I know him well.

2175. Was he a member of the society whilst you were?—I cannot say who was a member.

2176. Did they attend the meetings?—I will not say, to be positive.

2177. Stephen Doe?—Yes, I know him.

2178. Have you seen him attend the meetings?—It is him in Union-street, Brewer-street.

2179. The man they call "Steevie"?—Yes; I have seen him there, and drank with him there.

2180. On this evening were Mr. Hope and Captain Scott there?—You will understand that I do not mean drinking at the Corn Exchange that night; I mean at the Constitutional rooms.

2181. I am asking you first, generally as to the society; then I will ask you as to this particular meeting. Have you seen those gentlemen I have mentioned, from time to time, at the society's rooms, at the meetings?—Some of them.

2182. Those you have mentioned to us?—Yes

2183. You remember this evening we have been speaking of, when Mr. Hope and Captain Scott made the speech; was Mr. Stacey in the chair?—Yes, he was; I think it was Mr. Stacey.

2184. Can you recollect anybody whom you saw there on that occasion; did you see Mr. Goodwin there on that occasion?—I think he was there, but I would not be positive.

2185. Do you know whether Mr. Joslen was there?—That I will not say.

2186. Or Mr. Parton?—That I do not know.

2187. How often do you think you attended the meetings of the society, from the evening that Mr. Hope and Captain Scott spoke there to the time of the election?—Two or three times I might, but not at the Corn Exchange.

2188. Do answer my questions. I do not ask you at the Corn Exchange at all; I only ask you how often you attended the meetings of the society?—I think it is two or three times.

2189. How often did you see Mr. Hope and Captain Scott present at those meetings?—Mr. Hope attended us down at the Constitutional and the Corn Exchange too.

2190. Were you present?—When I was present.

2191. You told us about the Corn Exchange; have you ever seen drink elsewhere at the open meetings?—I have said a word, I am not rightly sure about seeing

seeing Mr. Hope, whether it was before or after the election, at the Constitutional; I will not be sure whether it was before or after; just about the election time.

2192. Did Mr. Hope attend any meeting after the election?—When we had our monthly meeting after the election.

2193. You saw him there both before and after the election?—Yes.

2194. And before the election, when Mr. Hope was there, besides this time at the Corn Exchange, have you seen drink?—Yes.

2195. When voters were present?—Yes.

2196. Had you any yourself?—I remember having a good deal at times.

2197. At those meetings had you drink?—Yes.

2198. Did you pay for it?—Sometimes I did, and sometimes I did not.

2199. I believe at the Corn Exchange there is no person licensed to sell liquor, is there?—I am not aware about the rules of it.

2200. Where does the liquor come from that is drunk at the Corn Exchange?—It is brought into the room, and served out in the room.

2201. Do you know where it is brought from; is there any tap or hotel at the Corn Exchange?—It is first one man serves it, and then another

2202. What men?—Different landlords.

2203. What landlords?—Mostly on the Tory side.

2204. Tell us the names of them; is any brought from the Star. Do you know the Three Tuns?—Yes, I do.

2205. Are they in the habit of supplying liquor?—Mr. Ottaway? Yes.

2206. Give us the name of any other that supplies to the Constitutional Society; the Three Tuns and the Bell?—I do not think they had a turn.

2207. The Rising Sun?—Mr. Merroney has had a turn, I believe.

2208. Mr. *Venables.*] Is Merroney of the Rising Sun?—Yes.

2209. Mr. *Phinn.*] The Star?—I do not recollect ever the Star.

2210. If I understand, the meetings are held at the Corn Exchange, and there is no person licensed to sell liquor there; it is sent for from the public-houses?—It is carried there, and stood on the table in bottles and barrels, and drawed from there.

2211. I am asking whether it comes from the public-houses?—I cannot tell where it comes from; there it is, in barrels and bottles, and tables like a bar; so that they serve it out, and take the money for it.

2212. By the *Committee.*] And take the money?—Yes; some pays of course. They do not give it away at the bar; somebody goes and gets it, and you do not know who pays for it, at all times.

2213. Mr. *Phinn.*] At your meetings at the national school, is drink served there?—That is what I am talking about. I am rather unnerved. When I went out, just now, a gentleman took a message out that I was being tried for perjury, and a message was sent home on Saturday, I am informed, to my wife, that I am in gaol for perjury.

2214. When you have the meetings at the national school-room is there any drink there, before the election, in the ordinary meetings?—Yes, there is.

2215. When you have meetings in the Corn Exchange, before the election time, is there drink there?—Yes.

2216. At the election, when you had the meetings in the school-room, was there drink?—Yes.

2217. And was there drink at the Corn Exchange?—Yes, there was.

2218. When you have been there at meetings, not in election times, have you paid for your drink?—Sometimes, and sometimes I had some given me. Sometimes I have had the money given me to buy it.

2219. When you were there at meetings, during the election time, did you pay for what drink you had whilst the election was going on?—

Mr. *Venables* objected to the question.

Mr. *Phinn* was heard in support of the question.

Mr. *Venables* was heard in reply.

The Committee-room was cleared.

After some time the counsel and parties were again called in, and informed that the Committee had come to the following resolution:

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The Committee are willing to receive evidence as to refreshments given at meetings of the Constitutional Society on occasions when the Sitting Members were present; but they will require proof of agency on the part of persons who ordered or paid for such refreshments before they can regard it as treating.

The Committee cannot receive evidence of refreshments given at meetings of the Constitutional Society, when the Sitting Members were not present, unless the agency of the parties who ordered or paid for such refreshments shall have been previously established.

The Witness was again called in.

2220. Mr. *Phinn.*] When you were there at meetings during the election time, did you pay for what drink you had whilst the election was going on?—

Committee.] Confine yourself to a statement of whether you paid or not upon occasions when Captain Scott and Mr. Hope were present at meetings of the Constitutional Society.

2221. Mr. *Phinn.*] You say you were present at two or three meetings when Mr. Hope and Captain Scott were present at meetings of the Constitutional Society?—I was present.

2222. On those occasions did you ever get drink?—Yes.

2223. On those occasions did you pay for your drink?—Sometimes I had it given me; sometimes I paid for it.

2224. I am speaking of the time of the election, when Captain Scott and Mr. Hope were present at the meetings of the Constitutional Society; where did you pay when you paid?—When the waiters brought it. Sometimes it was given to me without paying. I was asked to drink.

2225. Do you remember going to the Star?—Yes.

2226. When was that?—That was the municipal before the last, going to the Star, to meet Mr. Joslen.

2227. You remember going to the Star Inn?—Yes.

2228. How long did you go before the election; do you remember going to the Bell before the election?—Yes, I mostly use the Bell.

2229. Had you any appointment there?—I was a sort of messenger, to carry out a few bills, if you mean that.

2230. Who employed you as a messenger?—Mr. Pearson first of all.

2231. When did he employ you as a messenger at the Bell first?—I was up at his house, when I was told to go first up in Wheeler-street.

2232. Does Mr. Isaac keep the Bell?—Yes.

2233. You say you were employed as a messenger; what room did you go to at the Bell?—Up-stairs.

2234. What was the room called?—The committee-room, I believe.

2235. Were you doorkeeper, or messenger, or what were you?—To deliver out a few bills.

2236. Did you receive anything?—Yes, 3*s.* a day; they called it a day, it was a few hours; it was only a few hours' job to do.

2237. How many days were you paid for it?—I will not be sure, five, four, or six; it is put down in the book.

2238. Who paid you?—Mr. Cogger; I think it was Mr. Cogger.

2239. What is he?—He was one of the acting men there.

2240. One of the men of the committee, or what?—He seemed to be on the committee, for he paid me for my labour.

2241. Did you ever go into the room that is called the committee-room?—Yes.

2242. Did you ever see Mr. Hope or Captain Scott?—I see them coming out.

2243. Out of the committee-room?—Yes, out of the committee-room; I see them go down stairs two or three times.

2244. Do you know Mr. Goodwin?—I do.

2245. Did you ever see Mr. Goodwin there?—I am almost sure I see him the Friday before the election; I will not be positive, but I think he was.

2246. Had you seen him before that at this room?—I will not speak to be positive.

2247. Who were the gentlemen that used to use this room?—Most of the committee, I believe.

2248. Tell us the names of any of them; do you know Mr. Parton?—I do not know so much of him as I do of others.

2249. Did you see him there?—I will not say I did, not to speak positive.

2250. Did you see Mr. Joslen there?—I noticed him come out of the passage, down the stairs.

2251. Can you tell me the name of anybody you did see there; Mr. Gilliam?—He might have been there, and me not notice him; there were so many, I did not take particular notice who they were.

Cross-examined by Mr. *Venables*.

2252. Do you know how many members there are of the Constitutional Society?—I do not know.

2253. About how many?—I think, to the best of my recollection, they muster somewhere about 1,200 or 1,400; I think that was it.

2254. No great difficulty in getting in?—It is difficult, if Mr. Short pleases to keep you out.

2255. Is there any great difficulty in being elected a member?—You are proposed by one of the members.

2256. And seconded by another?—Yes.

2257. You were elected, were not you?—Yes.

2258. It was also the habit, at meetings of the society, to have drink, those who chose it?—There was drink, if you chose to have it; sometimes you would have to buy it, sometimes it was given by friends, a glass.

2259. At those meetings of the society anybody could have drink?—Yes.

2260. Some people had it?—Yes.

2261. At the meetings, I am not talking of the elections, at the meetings in general you had liquor sometimes?—Yes; sometimes I had a great deal.

2262. Sometimes you paid for it?—Yes.

2263. Who paid for it?—Sometimes the waiter has brought it; Mr. Goodwin paid for two glasses of brandy and water for me and a man of the name of Cheeseman, at the Bell.

2264. When?—At one of the meetings at the Bell.

2265. I am talking of the Constitutional Society?—Yes; those was the meetings for the municipal election.

2266. How often do you say you saw Mr. Hope there?—I cannot say, not right; he might have been there twice.

2267. He is not a member, is he?—I do not know.

2268. You do not know that he is?—No.

2269. You never saw him before the canvass?—Not to my knowledge.

2270. How many times did you see him altogether at the Constitutional Society?—That I cannot say.

2271. You saw him there at the time the speech was made at the Corn Exchange?—Yes, I did.

2272. Can you remember another time?—Once down at the Constitutional.

2273. You mean the national school-room?—Yes.

2274. Did he make a speech there?—Yes.

2275. Any other time?—And at the Corn Exchange.

2276. Can you remember, at the meetings of the Corn Exchange, what you had to drink when Mr. Hope made the speech?—When he made the speech I believe it was beer.

2277. You had some beer to drink?—Yes.

2278. Did you have some beer?—A friend asked me to drink; I said it was poor stuff, I should not drink.

2279. Do you know the name of your friend?—My friend Pratt was aside me, he did not give it me.

2280. Who did?—Some one sitting in front of Mr. Hope, nearly in front of the table.

2281. Some friend treated you to beer; you said it was poor stuff?—He asked me to drink; I did sip it.

2282. At another time you saw Mr. Hope at the national school-room, had you anything to drink?—Yes.

2283. Did you pay for it?—I cannot say whether I did or not; I will not say, to be positive.

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2284. At all those meetings, you were in the habit of sometimes drinking at your own expense, and sometimes getting treated?—Yes.

2285. You do not remember whether upon that particular occasion you were treated or not?—Sometimes I am, sometimes I am not; I cannot exactly say.

2286. I suppose people were calling for liquor when Mr. Hope attended, as well as other times?—I was not paying so much attention to the liquor; I was behind Mr. Cook, paying attention to the speech going on.

2287. I think you said there was drink going on at the time Mr. Hope was there?—Yes.

2288. Do you know who paid for it?—I did not take notice.

2289. For all you know, every person who had a glass might have paid for it?—They might, for all I can say. I spoke to Mr. Cook at the head of the table; he recollects me being there; I had no drink there.

Examined by the *Committee.*

2290. With regard to the first meeting of the Constitutional Society at the Corn Exchange, when Mr. Hope and Captain Scott made their appearance, can you tell about when that meeting took place; how long before the election?—

Mr. *Venables* stated it was the 11th of March.

The *Witness.*] That was the time I stood behind Mr. Cook.

2291. That was a fortnight before the election?—It might have been a little more, or a little less.

2292. You state there was some drinking at that meeting; that you were offered drink, which you did not pay for, by a friend?—I was offered to have drink, but I said it was such poor stuff, I should not drink it.

2293. Coming to the next time when there was any meeting of the Constitutional Society at which Mr. Hope and Captain Scott attended, was it in the school-house?—In the school-house I met him.

2294. When was that?—I will not say whether it was before or after the election.

2295. Was there any speaking there?—I think it was before the election.

2296. Was there any speechifying?—Yes, Mr. Hope made a speech.

2297. Were there many people there?—Yes, a great many.

2298. How many?—There might be 600 or 700; a great many there.

2299. Was there much drinking at that time?—There seemed to be a good deal, at the further end of the room, at the bar.

2300. Was there much where you were?—I did not take any particular notice of the drink, for I did not seem to want it.

2301. You say there was a meeting at the Corn Exchange at which Mr. Hope and Captain Scott attended; the third meeting?—Yes.

2302. When was that?—After the election, that was the Monday of the election, to celebrate the return of Hope and Scott, and both made speeches.

2303. Was there drinking there?—Yes, there was.

2304. Of the same character as at others?—Something similar.

2305. Some people paid, and some did not?—I paid for a pot that night.

2306. Mr. *Venables.*] You do not know that any persons did not pay?—The money seemed to be paid in this way: a gentleman gave a 6 *d.* or a 4 *d.*, and put it into your hand; some would say to the waiter, "Fetch Lower a pint of beer;" some would say, "Lower, come, have a drop of gin, or a drop of brandy-and-water," or what not. The waiter that night, at the Bell, fetched me and a man named Cheeseman about 13 or 14 glasses of brandy-and-water.

2307. Were Mr. Hope and Captain Scott at the Bell that night?—No.

[The Witness was directed to withdraw.

Thomas Patteson was called in; and, having been sworn, was examined by Mr. *Phinn*, as follows:

T. Patteson.

2308. ARE you a Draper, living at Rochester?—Yes.

2309. How far is that from Maidstone; about 11 miles?—Somewhere about eight, by road; 11 by rail.

2310. Did

2310. Did you go over to Maidstone on the 16th of March?—I am in the habit of going to Maidstone every Monday and Tuesday.

2311. Monday would be the 16th?—Yes.

2312. About a fortnight before the election?—Yes, I think it was.

2313. Do you remember going to a meeting of the Constitutional Society at the Corn Exchange?—Yes.

2314. What time was that held?—This was held on the Monday evening, I think.

2315. What time in the evening?—Somewhere about eight, I think it was.

2316. Were you there on two Mondays or one Monday?—Two Mondays.

2317. Previous to the election?—Yes.

2318. On both occasions did you see Messrs. Hope and Scott there?—Yes.

2319. The candidates?—Yes.

2320. Did you hear them address the meeting?—No.

2321. What were they doing there?—They were merely sitting.

2322. Was a good many people present?—Yes.

2323. How many; was the large room in the Corn Exchange nearly full?—It seemed about half filled.

2324. Did you know any people there?—I knew some.

2325. Did you know any of them that were electors?—I could not say whether they had votes or not; I believe some of them had.

2326. Did you see drink served there?—Yes.

2327. Was there much?—There seemed to be a good deal of porter and ale, and other liquors as well, served out; a good deal of it.

2328. Did you have any?—No.

2329. Did you see any money paid?—No.

2330. Were there waiters waiting?—Yes.

2331. Was the place laid out with tables?—Yes; the waiters went along the top of the tables.

2332. Serving out what?—Out beer, as he carried it in a can.

2333. Were there songs sung, and so on?—Yes.

2334. Did either of the candidates take any part?—One time there was songs sung; I think it was the last meeting there was songs sung.

2335. You saw this in the presence of both Mr. Hope and Captain Scott?—Yes.

Cross-examined by Mr. *Venables*.

2336. How came you to go to the Constitutional. I presume you are not a member, not being a Maidstone man?—I had nothing else to do, and I went up for a few minutes.

2337. Is it open to anybody?—I do not know whether it is.

2338. Nobody interfered with you?—No.

2339. Did you go with a Maidstone friend?—No, I went up by myself.

2340. It was open to anybody?—So far as I know; it was open to me.

2341. Had you attended it on former occasions?—No.

2342. You do not know the customs of the society?—I have been in several times since; they have made no objections.

2343. You say, then, they handed the porter and other things round?—Yes.

2344. There is a kind of bar where the liquor stands?—There is, I believe.

2345. Did you watch that particularly?—No.

2346. Could you see whether anybody paid there?—I cannot say whether they paid for it or not; I saw no money passing.

2347. Supposing one of the Members had ordered a can of beer to be taken round, and paid for it, should you have seen it?—I might have seen it.

2348. You could not say that it did not happen?—I could not say.

2349. As far as you know every man to whom beer was served out did not at the moment pay for it?—Not that I saw; I did not see them pay any money.

2350. You did not see them pay at the table?—No.

2351. That is all you know about it?—Yes.

[The Witness was directed to withdraw.

John West was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

John West.

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2352. WHAT are you?—An artificial stone-worker.

2353. Do you remember going to the Corn Exchange, at Maidstone, on the 16th of March?—Yes.

2354. When you got there, were Mr. Hope and Captain Scott there?—Not the first time.

2355. I am asking you about the 16th of March?—Yes.

2356. Were you in there more than once that evening?—Yes.

2357. You were there twice?—Yes.

2358. When you first went in, Mr. Hope and Captain Scott were not there?—No.

2359. Did you go in afterwards?—Yes.

2360. What time was the second time you went in?—About ten minutes past eight.

2361. Did you find Mr. Hope and Captain Scott there?—Yes.

2362. How many people were there, should you think?—As near as I can guess, about 250.

2363. Did you see any drink?—Yes.

2364. When Mr. Hope and Captain Scott were there?—Yes.

2365. What was there to drink?—Beer.

2366. Anything else?—No, not as I know on.

2367. Was there anything to smoke?—Yes.

2368. What?—Tobacco.

2369. Was there drinking and smoking?—There was drink and tobacco on the table.

2370. Were the people smoking?—No.

2371. Did you see any beer served out?—Yes.

2372. How was it served?—From cans.

2373. By the waiter?—Yes.

2374. Going down the room, I suppose?—Yes.

2375. Did you see anybody pay?—No.

2376. Did you have any yourself?—No, I was not there time enough.

2377. How was it you were not there time enough?—They soon spied me out.

2378. What happened when they spied you out?—They turned me out.

2379. Who turned you out?—Short.

2380. What is his Christian name?—William, I believe.

2381. What was Short, the door-keeper, or what?—I suppose so; he was at the door.

2382. Did you resist?—Yes.

2383. But you were put out?—Yes.

Cross-examined by Mr. Serjeant *Pigott*.

2384. Are you a member of this society?—No.

2385. Not of the Constitutional?—No.

2386. Was this of the meeting of the Constitutional Society at which you were present then?—It was a meeting by the Tory party, at the Corn Exchange, Maidstone.

2387. Was it the Constitutional Society's meeting?—Yes.

2388. How came you to intrude yourself in there if you were not a member?—Well, I went up just as others did.

2389. You found your way, and Mr. Short, or somebody else, handed you out?—Yes.

2390. Had you ever attended one of the meetings before?—No.

2391. What the custom was with regard to their ordering in beer or cigars, drinking or smoking, and paying for it at the bar, you do not know?—No.

2392. How long were you in there on that occasion which you are speaking of, the 16th of March?—Not more than 10 minutes.

2393. Did you put your head down so that nobody might see you were there?—I do not know.

2394. Pull your hat over your eyes?—Perhaps I did.

2395. Then

John West.
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2395. Then Mr. Short saw you at last?—Yes.
2396. What did he tell you; told you you had no business there?—Yes.
2397. Walked you out?—No, I would not let him.
2398. Showed you the door?—Yes.
2399. Nobody asked you to drink anything, I suppose?—No.
2400. By the *Committee.*] What made you go there?—I went there; I see others, and I thought I might go.
2401. Did you go there to get liquor?—I only went to hear what they had got to say.
2402. Mr. Serjeant *Pigott.*] Are you a voter?—No.
2403. Nor a member of the society?—No.

[The Witness was directed to withdraw.

Timothy Smith was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Timothy Smith.

2404. YOU are a Plasterer, living at Maidstone?—Yes.
2405. Are you also an elector?—Yes.
2406. Do you remember going to the Corn Exchange on the 16th of March?—Yes, I do.
2407. What was there going on there?—I saw beer served from large cans.
2408. Was there a meeting there?—Yes.
2409. Did you see Mr. Hope and Captain Scott there?—They were there, both of them.
2410. Did you see any drinking going on?—Yes, there were drinking going on.
2411. And singing?—Yes, and singing.
2412. I believe waiters bring in beer in cans?—Yes.
2413. Did you see people pay for what they got?—I did not.
2414. Did you hear any speaking?—They commenced speaking while I was there.
2415. Did you get a hint to leave the room?—I did.
2416. Who gave it you?—William Short.
2417. I believe you were ordered out, and went away?—Yes, I went away.
2418. Have you a vote?—Yes, I have a vote.
2419. Which side did you vote for?—I voted for Lee and Mildmay.

Cross-examined by Mr. Serjeant *Pigott.*

2420. Were you a member of the society?—No.
2421. Was this a meeting of the society?—I do not know whether it was a meeting of the society or not; I was invited there by a friend.
2422. Who was your friend?—A man of the name of Peters; he said it was public, and I might go; I was not objected to at the door; I were allowed into the room.
2423. Had you ever attended a meeting of the society before?—No.
2424. Was your friend Peters shown the door?—He did not go in.
2425. Was he a member of the society?—I do not know.
2426. Was he a voter?—He is a voter.
2427. Did they ask you to drink out of the can?—No, I paid for what I had.
2428. Who handed you the beer; or whatever it was you had?—I went to the bar and paid for it.
2429. Where was the bar; was that inside the Corn Exchange?—Yes.
2430. In the Corn Exchange?—Yes.
2431. It is a room, is it, the Corn Exchange?—Yes.
2432. There is a bar at the end on the side of the room?—I suppose they make it a bar when they think proper.
2433. You went up and asked for some beer, and you were asked for the money?—I went and asked; I laid the money down.
2434. And paid for it?—Yes.
2435. How long were you altogether?—Some 20 minutes to half an hour.
2436. And whilst you were there, were the people sitting?—Yes, and smoking and drinking.

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2437. Were there forms round the room?—Tables and forms.

2438. Glasses in front of the people as they sat?—Yes.

2439. You say the waiters were bringing beer in cans?—Yes.

2440. And then they put it out into glasses?—It was pots that I saw; I did not see any glasses filled at the end of the table where I was standing.

2441. Did you see people go to the bar from time to time?—I did not notice particularly.

2442. You were not there long enough?—I was but a short time; 20 minutes to half an hour.

2443. You did not see them go out?—No.

2444. You left them still sitting in their places?—Yes. Short came to me some few minutes before I left the room. I asked him to drink with me. I wished to know who it was requested him to tell me to leave the room. He told me his master had requested me. I wanted to know who was his master. He told me he had orders to order me out. I said I had not promised any party; I wished to hear what they say. He says, "You must leave; you are not allowed to be in the room."

2445. Did he tell you you were not a member?—He did not mention that at all; it was not a question at all.

2446. He knew you were not a member?—I do not know; I suppose he did.

2447. You said, "I wish to hear these gentlemen; I have not promised."?—I did.

2448. He said, "Nevertheless, you must go;" "he had orders you were not to remain"?—Yes.

2449. Upon that, you went?—Yes.

2450. You had paid for your beer before?—Yes.

2451. Did you see any persons there who were not members of the society?—I do not know them.

2452. You do not know any of the rules of the society?—No.

2453. Whether the rule is to do as they did upon that day, you do not know?—No.

2454. Whether the waiter came and served them pints and quarts at the tables, and then they pay as they go out, you do not know?—I do not know whether that is the rule.

2455. One way or other?—No.

2456. I think you say the waiter served out the beer into pint or quart mugs; not into glasses?—I cannot say; I did not notice any particularly.

2457. Are you a voter?—Yes.

2458. Whom did you vote for?—Lee and Mildmay.

2459. Did you hear any speaking while you remained at that meeting?—Speaking commenced, but with the conversation with Short I did not listen to what was saying.

2460. Who was addressing the meeting?—I cannot say.

2461. Do I understand you to say you saw Mr. Hope and Captain Scott in the room?—Yes.

2462. How long had they been in the room?—I cannot say.

2463. Did you see them walk in?—I think they were in when I went in.

2464. Cannot you tell how long they were there?—It was a very large full room.

2465. Did you see them walk into the room?—I saw them sitting in the room.

2466. At a table apart from the rest of the company?—It appeared to be a table.

[The Witness was directed to withdraw.

Mr. *Charles James Cooke* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. C. J. Cooke.

2467. I BELIEVE you are a printer at Maidstone, are not you?—I am.

2468. And editor, proprietor, and reporter of the Maidstone journal?—I am.

2469. I believe you did a good deal of printing and so on for Messrs. Hope and Scott at the last election?—Yes, a good deal of it.

2470. Were

2470. Were you present at a meeting of the Constitutional Society, held at Maidstone on the 11th of March, at which Mr. Beresford Hope and Captain Scott were "triumphantly received"?—I forget the exact date; I dare say that is right; yes, it would be the 11th of March.

2471. Is that reported in the Kentish and South Eastern Advertiser? Is that your paper?—Yes.

2472. On the 14th March 1857?—Yes.

2473. I believe on the 11th there was a morning meeting to receive Mr. Hope as a candidate?—Yes, there was.

2474. At that time I believe there was only one candidate; it was only contemplated to have one candidate on the Conservative side?—That was so.

2475. Was that a meeting of "the Constitutional Society"?—It was not.

2476. But I thought it was headed, "Maidstone Constitutional Society"?—That may be so; that is the introductory paragraph.

2477. That is headed, "Maidstone Constitutional Society"; I ask you whether it was not a meeting of the Maidstone Constitutional Society in Maidstone?—I say it was not; if you look a little lower down you will see where it begins "Constitutional Society."

2478. It is headed "Maidstone Constitutional Society"?—That is the general heading.

2479. This was another meeting?—A little lower down you will see the Constitutional Society; it is not a report of the meeting, it is a mere paragraph as to what took place at the meeting as introductory to the other.

2480. In the evening was there a meeting of the Constitutional Society there?—There was.

2481. Were you present, and did you take notes of Mr. Hope's speech?—I did.

2482. Do you remember this paragraph: "With regard to you and me, we know how to go to work; we know how to carry the election as we like, how we like, and when we like"?—Yes, I do.

2483. Do you recollect that?—Yes.

2484. Was the meeting a very crowded one?—Yes.

2485. That was a meeting of the Constitutional Society?—Yes.

2486. As contradistinguished from a meeting of the Conservative party?—Yes.

2487. Are you a member of that society?—I am not.

2488. Have you ever been so?—I was one of the gentlemen who assisted in forming it, or at least I attended some meetings with a view to its formation.

2489. As you attended some of the meetings with a view to its formation, did not you become a member?—I did not.

2490. When were these meetings, with a view to its formation, held?—I cannot tell exactly; it was very soon after the last election; the previous election, when the Conservative party was beaten.

2491. After the election at which Mr. Wykeham Martin was the candidate?—Yes.

2492. Very soon after his rejection?—Yes.

2493. When Mr. Lee was rejected as against Mr. Wykeham Martin?—Yes, that is so.

2494. And after Mr. Dodd seceded?—I do not know anything about Mr. Dodd. I happened to go to Maidstone about that time; I never took the trouble to read up Mr. Dodd's antecedents; I know nothing about it.

2495. You have only lived in Maidstone a short time?—Four years or 4½ years, I think.

2496. You took an interest in the formation of the Constitutional Society, but did not become a member?—Yes.

2497. Were you present at a meeting which, I think, is reported in the Kentish and South Eastern Advertiser of the 21st of March; was that the meeting on the 16th?—Yes; I suppose it would be that date.

2498. That was the great meeting of the Constitutional Society: "Glorious results of the canvass"?—Yes.

2499. I see there are two meetings reported in that paper; one the usual monthly meeting, which is reported in the second page?—Yes.

2500. And one which is reported in the third page; do you remember what date that was held; the one reported in the third page?—It states on the Wednesday.

Mr. C. J. Cooke. 6 July 1857.

2501. What day would that be?—It would be the 18th.

2502. "The bulk of the meeting was composed of Conservatives, but we observed a sprinkling of stray lambs from the enemy's fold." I should have thought they would have been wolves. Do you remember Mr. Parton and Mr. Gilliam being present at the principal table with Mr. Hope; the chair was filled by T. Stacey, Esq. At the principal table were A. G. Beresford Hope, Esq., Mr. Hull, Mr. Gilliam, Mr. Parton, Mr. Masters, and Mr. Cook?—I have no recollection of that; but as that is there, I suppose those gentlemen must have been present.

2503. Is that reported from your own notes?—A good deal of it; I had some assistance that day.

2504. You find them mentioned as present; do you know those gentlemen?—Yes, I do; I have no recollection of seeing them present that night.

2505. Do you remember Mr. Hope saying this, "He wished for once the Constitutional Society would alter its rule, and admit the other side"?—Yes.

2506. Do you remember Mr. Stacey saying, "There is one present"?—Yes, he was speaking of a reporter; he wished that a reporter from the opposite side could be present. Mr. Stacey said, "There is one present;" and I recollect seeing him.

2507. Did you prepare the circulars and the voting cards?—I did not.

2508. Were they printed in your office?—They were not.

2509. Were you not paid for printing them?—No.

2510. Nor the placards?—The addresses we printed.

2511. Is that all?—We printed some of those meetings; they were printed afterwards in sheets, and were distributed.

2512. You printed Mr. Hope's addresses, I think?—Yes, we did.

2513. And the reports of the meetings from your newspaper?—Yes.

Cross-examined by Mr. Serjeant *Pigott*.

2514. You say that you remember those words that you have been asked about, as having occurred in Mr. Hope's address, "With regard to you and me, we know how to go to work; we know how to carry the election as we like, how we like, and when we like"?—Yes.

2515. I believe Mr. Hope's speech began, upon that occasion, "You see I have not been very long in coming amongst you; a word and a blow is my motto; out with the address, down at the meeting, and up to the top of the poll"?—Yes.

2516. He went on with these words, "As for our opponents, poor fellows, they have all got wrecked upon a lee shore, and our best wish is, that mild may be their fall" (that was of course a joke); "with regard to you and me, we know how to go to work; we know how to carry the election as we like, how we like, and when we like;" that is the way it occurred?—Yes.

2517. "And differ as we may do from Lord Palmerston in many things, we are grateful to him for one thing," and so on?—Yes.

2518. I believe it was noised abroad shortly afterwards, that those words were intended to have some reference to bribery?—Yes, it was.

2519. Do you remember Mr. Hope attending a meeting shortly afterwards, and repudiating any such meaning?—I do.

2520. I believe these words occurred in his speech on the 16th; do you remember his saying, "He pitied a cause which was reduced to such shifts, that the journal which represented their politics could only attack him by putting an untrue meaning upon his words; giving them a significance which, when they were uttered, was the very last in his mind, and which he now repudiated with contempt"?—I do.

2521. Mr. Hope, I believe, in the course of that address repudiated any such intention of hinting at bribery or any corrupt practice as the means of carrying the election?—He did.

2522. Did he do so upon another occasion also?—Yes.

2523. Did you understand those words to have anything to do with bribery when they were uttered?—Not at all.

2524. You heard the manner and tone of uttering them?—Yes.

2525. It was an election cheer-on, I suppose, to his party?—Yes; we had been all down in the dumps, and it was a very good way of getting us out of them.

2526. About

Mr. *C. J. Cooke.*

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2526. About Mr. Parton and Mr. Gilliam, who you say were present at the meeting to which my learned friend, Mr. Phinn, alluded, can you tell me the christian name of Mr. Parton?—I cannot tell.

2527. Was it Mr. Henry Parton?—I do not know at all.

2528. These is one Henry, and the other Joseph Kingsnorth?—It might have been either; I do not know either.

2529. You say that you helped to organise this Constitutional Society; have you been present at its meetings in your character and capacity of a reporter?—I have attended it on many occasions; I have not attended it regularly.

2530. Is it the custom of the members to have drink?—It is.

2531. Do they sit round at tables, and have their drink carried round in cans, to be poured into their mugs?—I cannot tell exactly how they have it; most of them have drink, and most of them smoke.

2532. I suppose you have not been in the habit of drinking when you have attended at those meetings?—Yes.

2533. Do you pay for it yourself?—I always do.

2534. And others do the same?—I never saw anybody do so without.

2535. You did so upon this occasion?—I did.

2536. Did you see anything different from what you had observed upon former occasions?—Nothing whatever; there was a little more shouting, I think.

2537. Speeches made, I suppose?—There are always speeches made.

[The Witness was directed to withdraw.

Mr. *Phinn* stated that that was the case on behalf of the Petitioners.

Mr. Serjeant *Pigott* was heard to address the Committee on behalf of the Sitting Members.

[Adjourned to To-morrow, at Eleven o'clock.

Martis, 7° die Julii, 1857.

The Names of the Members were called over; all present.

GEORGE ALEXANDER HAMILTON, Esq., IN THE CHAIR.

Mr. Sergeant *Pigott* was further heard to address the Committee on behalf of the Sitting Members.

Mr. *George Sims Marley* was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

Mr. *G. S. Marley.*

7 July 1857.

2538. DO you reside in Bridge-terrace, Maidstone?—I do.

2539. Are you foreman or salesman to Messrs. Tassell & Co., timber merchants?—I am.

2540. I believe, at the last election, you were a supporter of Messrs. Hope and Scott?—Yes.

2541. Are you acquainted with Edward Morris?—I know him by sight.

2542. Do you remember seeing him on the evening of the nomination or the day before?—On the evening.

2543. On the evening of the nomination or the day before?—On the Friday evening as the election occurred on the Saturday.

2544. The polling was on the Saturday?—Yes.

Mr. G. S. Marley.

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2545. Had you before that asked him to vote for Messrs. Hope and Scott?—I believe I had on several occasions.

2546. What answer did you receive on any of these occasions; did you get a positive answer one way or the other?—I never did.

2547. Can you mention any answer that he gave you?—I canvassed him generally; I asked whether he had made up his mind, and he said, "He dare say he should vote for somebody."

2548. Did he say anything about anybody giving him any money?—Yes, frequently.

2549. What did he say?—He used to come into the room with both hands in his pockets, and say, nobody ever gave him nothing.

2550. What did you reply?—I said, he might depend upon it I should not give him anything or promise him anything.

2551. On the evening of Friday, did you go to Morris's house?—Yes.

2552. Was any person with you?—John Hartnup.

2553. Why was John Hartnup with you?—I took him to the house with me because I thought he was a slippery card, and one that meant to entrap me.

2554. Did you ask Hartnup to do anything?—I asked him to step on one side down under the window-shutter.

2555. What was that for?—Because he might hear what was passing.

2556. By the *Committee.*] You took Hartnup because you suspected that Morris meant to entrap you?—Yes.

2557. Mr. *Venables.*] Was Hartnup in such a position that he could be seen by Morris?—No, he was not.

2558. Who was present when you went into Morris's house?—His wife.

2559. Did you see anybody else?—I see no one else.

2560. Did you again canvass Morris?—I canvassed him that evening.

2561. What did you say to him?—I asked him if he had made up his mind; I wanted his answer so that we might make up our books.

2562. What answer did he make?—His answer was, that he could not make up his mind; he dare say he should vote for somebody in the morning.

2563. What did he say about giving anything?—He said nobody never gave him nothing.

2564 Did his wife, in his presence, make any observation?—Yes.

2565. To what effect?—"Why do you not promise Marley, and have done with it."

2566. Did he still promise you?—No. She said, "Why do you not vote for them; I would give them 20 votes if I had them."

2567. What did you say in recommendation of Mr. Hope?—Why, I said Mr. Hope had plenty of money, and said he was just the sort of man we wanted to represent Maidstone.

2568. Did you say anything about charities?—I said he was a charitable man, and said Mr. Hope would subscribe largely to the hospitals and institutions of Maidstone, and I considered him preferable to Mr. Lee.

2569. Was your observation about Mr. Hope having plenty of money in the same conversation when you spoke about his subscribing to the charities?—Yes, and there was nothing else than that.

2570. Did you, at that time, in any way make Morris any offer or promise?—Not the slightest.

2571. Was anything said by any person about after-claps?—Not in my presence.

2572. Was any such speech used as "I have heard tell of these after-claps, but I never saw them"?—I do not recollect anything of the sort.

2573. Or words to that effect?—Nor words to that effect.

2574. I suppose, if he had used them, you would have heard them?—I should think I should; he was not above two feet from me.

2575. Was the door open at that time or not?—The door was wide open; I had the knob of the door in my hand the whole of the time.

2576. From the position in which Hartnup was in when this conversation took place, do you think he could hear it?—Yes; I think he was not six or seven feet from me.

2577. I will ask you once more; generally in that conversation or any other, did you hold out any promise or offer of money to Morris?—No, nor any other living individual.

2578. By the *Committee.*] Did you say anything to this effect, that, if anything was left in your hands, you would see it all right?—Never in my life.

2579. You negative that distinctly?—I never made such an observation in my life; never to Morris or any other person.

2580. Nor that the Purple party always paid?—I never made use of the Purple party.

2581. Or that Mr. Hope had plenty of money, and no mistake?—I said Mr. Hope had plenty of money; whether I put the words "and no mistake," I cannot say positively; if I did, it was in reference to the charities of Maidstone, and nothing more.

2582. Mr. *Venables.*] Do you know George Turner the stone sawyer?—I do.

2583. He is in the employment of Messrs. Sutton?—He is.

2584. Do you remember seeing him on the Sunday before the election?—I do.

2585. Where did you see him?—At his front door.

2586. What did you say to him?—I asked him if he could give me his support for Mr. Hope.

2587. What answer did he give?—"You know how it is with me, George;" he addressed me familiarly; "You know I dare not." I have known him for years; he was formerly in our firm's employ; he said, "You know how it is with me; I dare not do it."

2588. Did he say why?—Because Billy would shut down upon him.

2589. Who is Billy?—Mr. William Vaughan, the foreman of the place where he works.

2590. Is he a supporter of Messrs. Lee and Mildmay?—He is.

2591. What did you say to him?—I believe I made the observation—I said, "I do not think your firm is so Blue as they used to be."

2592. Had Messrs. Sutton voted Blue before?—I do not think they ever voted at all; the firm.

2593. What did you mean to say?—I said that I did not consider his firm was quite so Blue as they used to be.

2594. Who did you mean by "his firm"?—There is a young man in the firm, Mr. Thomas Sutton, that is favourable to the Conservatives; I knew that, and consequently I fancied they were not quite so Blue as they used to be.

2595. As they were not quite so Blue as they used to be, what did you say?—I thought perhaps he might make up his mind to give us a vote, and he was to let us know the next day, so that we could make up our books and know how they stood.

2596. He did not give you a positive answer?—No.

2597. Did you say anything further?—No, I left him.

2598. Was he to leave word at your house?—He was to leave word at my house, yes or no.

2599. Did you use these words to him: "I will make it right, whatever the figure is"?—No.

2600. Was anything said about the figure?—Not a word.

2601. Did you say that you would make it right?—No.

2602. Did you, in any way, at that or any other time, hold out an offer of money or an offer of making anything right?—Never.

2603. Was there any allusion to money in the conversation you had with him?—Not the slightest.

2604. Afterwards he voted for Lee and Mildmay?—I believe he did; I am not certain about it.

2605. Do you know Lamb by sight?—I do.

2606. He is also a stone-sawyer at Sutton's?—Yes.

2607. Do you remember seeing him in the street shortly before the election?—I cannot say that I exactly remember; it is possible I might have seen him in the street.

2608. Do you remember then, or at any other time a little before the election, his speaking to you about it?—I do not recollect on any particular occasion; he often used to tap me on the shoulder and ask me how we were getting on.

2609. Can you remember what your answer was?—I cannot particularly; I dare say my answer generally used to be to him, "We are getting on all right."

2610. Was anything said to him about "Billy the foreman?"—He to me about "Billy the foreman?"

2611. What did he say?—He said, on several occasions, "Well, you know how it is with me, because of Mr. Billy."

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2612. Do you remember any answer that you gave him on any of these occasions?—I do not recollect any answer different to that; I generally left him upon that. He was a very steady man. He was a man rather inclined in favour with us, only he did not dare move. He was a man that had got a wife and family, and I did not think it was at all likely he would go against his own interest, and I did not wish it.

2613. Did you say, "Would 5 *l.* or 10 *l.* be of any use to you"?—No.

2614. Did you say, "You know where I live"?—No.

2615. Do you remember a man named Joseph Lee being present at any time when you talked with him?—I do not.

2616. Do you remember having any conversation with him with respect to money for his vote?—Never in my life.

2617. Or holding out any offer?—Never in my life.

2618. I will ask you generally; have you at any time during this canvass, or during the election, made any person any offer or promise of money?—Never in my life; if I had done, I must have done it out of my own pocket; I had no authority to do so.

2619. Had you any instructions to offer, or hold out any offer of money?—Never.

2620. Did you ever do it of your own accord?—Never.

Cross-examined by Mr. *Phinn.*

2621. Your master, Mr. Tassel, I believe is a very active man on the Conservative side, is he not?—I am not aware that he is.

2622. Do you really mean to tell me that?—I do tell you.

2623. Have you for some time taken an active part on the Conservative side?—This is the first borough election I have taken any active part.

2624. Have you ever taken a great part in municipal elections?—I believe I have in one or two.

2625. You know that you have, do not you?—To the best of my belief I have; I cannot tell you whether it is one or two municipal elections.

2626. Were you a member of the Westborough ward committee for elections for the Conservative side?—Yes.

2627. Were you a member of the Westborough ward committee for the general elections?—For the general elections.

2628. Yes?—I am still a member of the Westborough ward committee.

2629. Had you a distinct committee in the Westborough ward for the purpose of Mr. Hope and Captain Scott's election?—I do not know that it was established for that purpose; there was no fresh committee established at all.

2630. Was there a committee sitting at the Prince of Wales?—Our ward committee was sitting at the Prince of Wales.

2631. Were you a member of it?—I was.

2632. Did Mr. Hope and Captain Scott come to the Prince of Wales?—I do not recollect seeing them; they might have been there; I do not recollect seeing them.

2633. Upon your oath were not they there, and do not you recollect seeing them?—I am on my oath.

2634. Upon your oath were not they there, and do not you recollect seeing them?—I do not recollect seeing them.

2635. Will you swear that Mr. Hope and Captain Scott did not come to the committee-room at the Prince of Wales?—I am not going to swear that they did not, neither should I say so.

2636. Will you swear that they did not come there in your presence?—I will swear that I did not see them.

2637. If they had come there, must you have seen them when they were there?—I cannot tell.

2638. How big a room is it in which the committee sat at the Prince of Wales?—I suppose about it may be a third the size of this room.

2639. Did you go when Messrs. Hope and Scott came into the Westborough ward and canvass with them?—I did.

2640. Frequently?—Never but one day.

2641. Are you sure of that?—Quite.

2642. What day was that?—I could not tell you

2643. How

2643. How long before the election?—That I could not tell you.

2644. You are a member of the Constitutional Society?—I am.

2645. Were you present at a meeting on the 11th of March, when Mr. Hope and Captain Scott were received as candidates?—I cannot tell you the day; I was present at the meeting when they were received as candidates, I believe.

2646. How long after that did you first go canvassing with them?—I cannot tell you the date.

2647. How long before the election did you go canvassing with them?—I cannot tell you.

2648. You can tell whether it was the day before the election?—I am positive it was not the day before the election.

2649. Was it a week before the election?—I cannot tell.

2650. A fortnight?—I cannot tell; they can tell you.

2651. You cannot tell whether it was a week or a fortnight before the election; is that the best recollection you can give upon the subject?—Upon the subject of the canvass.

2652. Did you go with Messrs. Hope and Scott to the wharf of Mr. Morris's employer?—I did.

2653. To canvass?—Yes.

2654. How long was that before the election?—I cannot tell you.

2655. How long was that before the time you took Hartnup up to Morris's house?—That I could not tell you.

2656. Was it a week, or ten days, or a fortnight?—I tell you I cannot tell you anything about it.

2657. Your recollection is quite at a loss about that?—I never made any note; I was occupied in business afterwards, and nothing occurred to me that I should ever be called upon.

2658. Did you speak upon that occasion to Morris?—When we canvassed him upon the wharf?

2659. Yes?—I did not.

2660. Did you speak to his employer?—I believe I did speak to his employer.

2661. Did you ask his employer to get Morris to vote for you?—No, I did not.

2662. What did you ask him?—I asked his employer where Morris was at work, and I believe Mr. White took Messrs. Hope and Scott to him.

2663. Did you introduce Messrs. Hope and Scott to Mr. White?—I think I did, if I remember right; I am not positive about that.

2664. Did you keep a book of the returns of your canvass?—I did not.

2665. Did you keep any memorandum-book of the people you canvassed?—Not the slightest.

2666. Did you put names down in a book at the Prince of Wales to make a return of the people who would vote for Messrs. Hope and Scott?—I never kept any book at all.

2667. Had you anything to do with books?—I had nothing to do with books.

2668. Upon your oath, how was it you told Morris that you wanted his promise to put it into the book?—For this reason; I had to give information to our secretary that he might put it down in the book.

2669. Who was your secretary?—Mr. John Cogger.

2670. Was he secretary of the district committee at the Prince of Wales?—He was the secretary of the committee at the Prince of Wales; I do not know whether you term it the district committee.

2671. That was a committee held for the Newbury district?—The Westborough ward.

2672. Did you ever attend at the central committee?—The central committee?

2673. Yes?—No, I never attended at the central committee.

2674. Was there a central committee?—I suppose there was; I am sure I do not know.

2675. Do you mean to tell me that you, being a member of the district committee, do not know whether there was a central committee or not?—I do not know whether there was a central committee; there is, generally, at such times.

2676. Where did it sit?—At the Bell, I suppose; I never was there.

2677. Did you ever go to the Bell?—Yes.

2678. During the election?—I might be there during the election.

2679. Upon your oath—do not answer in that way—do you doubt whether you

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you went to the Bell or not during the election?—Most likely I did; scarcely a week passes but I go there.

2680. Did you, or did you not, during the progress of the election, go to the Bell?—I did.

2681. Why did you not say so at first? Did you go into the committee-room at the Bell?—No, I did not.

2682. Will you swear that?—Yes.

2683. Recollect yourself?—I have nothing to recollect over that.

2684. You swear that you never were in the committee-room at the Bell?—I cannot say that I know the locality of the committee-room; there was a large room at the Bell.

2685. Was that No. 5?—I never saw number; never looked after it.

2686. There was a large room at the Bell?—Yes.

2687. Did you go there?—To meet my friends, the same as other people.

2688. Were those Mr. Hope's supporters?—Of course, I considered them my friends.

2689. Was it the room you believed to be the committee-room?—I have never drawn it through my mind; I should say not.

2690. Your belief is, that the room you went to was not the committee-room?—Yes.

2691. Did you see Mr. Pearson there?—I did sometimes, not always.

2692. Did you see Mr. Randal there, the banker?—No.

2693. Who did you see when you went?—I saw Mr. Pearson and Mr. Cogger there.

2694. Mr. Potts did you see?—I think I saw Mr. Potts there once, or perhaps twice.

2695. Did you go there on the business of the election?—I went there when I had nowhere else to go to when the election was principally over, after the election was won.

2696. Did you go there before the election was principally over?—Perhaps I might, once or twice.

2697. What did you go there for?—I am not obliged to tell you everything I went there for.

2698. Yes, you must. What did you go there for?—I went there to meet my friends, sometimes.

2699. Did you go there on the business of the election?—Sometimes I might have done.

2700. On your oath, did not you?—On my oath, I did not always.

2701. Did you sometimes?—Yes; no doubt about it, sometimes.

2702. Have you any doubt that you did go there on the business of the election?—I have no doubt I did sometimes, but not always.

2703. Did you go there on the business of the election?—Not always.

2704. How often did you go there?—I cannot tell you.

2705. Did you go from the Prince of Wales, on the business of the election, down to this room at the Bell?—I do not believe that I ever went direct from the Prince of Wales to the Bell.

2706. Did you, after transacting business at the Prince of Wales, go on to the Bell?—After the election?

2707. Before?—I do not recollect it.

2708. You say that you saw Edward Morris before the nomination night?—Yes.

2709. How long before the nomination night was it that you had gone to the wharf to canvass him?—I cannot tell you; I could not recollect.

2710. Had you seen him between the time that you went to the wharf and the nomination night?—That I cannot tell you: it is possible I might; he used to pass and repass our yard daily; I do not think I did say anything to him; I do not believe I did.

2711. Are you quite sure that you did not say anything to him?—I am quite sure I did not say anything to him, not between the two.

2712. What made you think on the nomination night he was going to have a plant upon you?—Because I had canvassed him before for municipal purposes, and he was always just in the same strain.

2713. Did you think he had a plant upon you when you took Messrs. Hope and Scott?—I did not think anything about it; I did not go any more.

2714. What

2714. What took place between the time that you went to the wharf and the nomination night to make you think he had a plant upon you?—Nothing particular, only I reckoned he had from his manner.

2715. You had seen him, had you?—I had seen him on previous occasions, and canvassed him for municipal elections; his manner was always about the same.

2716. Was there anything in his manner on the day that you saw him on the wharf, and on the nomination night, to make you think that he had a plant upon you?—I do not recollect that there was; I do not keep that in mind; I did not make a note of it.

2717. Is there a garden in front of his house?—Yes, I believe there is.

2718. Is there a wicket gate which you open before you go up to his house?—Yes.

2719. Did you see his wife standing at the door of his house when you were coming up the garden?—No; the door was shut.

2720. Are you sure of that?—Quite.

2721. I suppose the garden is not a very long one?—About the length of this room.

2722. Can anybody who opens the door see anyone in the garden?—Oh, yes.

2723. You say that you took Hartnup with you; did he walk up the garden with you?—Yes.

2724. Did he walk to the door with you?—Yes.

2725. Where did you plant Hartnup?—Under the window-shutters. He stood alongside of them, or lay down, I do not know which he did.

2726. Under the parlour window?—Yes.

2727. You did say to Morris, I believe, "Hope has got plenty of money; there is no mistake about that"?—I said he had plenty of money. I will not say that I said, "There is no mistake about that."

2728. Will you swear that you did not say, "There is no mistake about that"?—I do not know what words I made use of at that time.

2729. You cannot swear that you did not?—I do not believe that I did. I cannot see why I should have done.

2730. Did he use the words "after claps" at all?—Not in my presence.

2731. That you will swear?—I have sworn it.

2732. You need not laugh; it is not a laughing matter when you come to impute perjury to these three men. Was there a little room behind the parlour?—I suppose there is; I was only in one room of the house.

2733. Could you see whether there was a door in the parlour leading into the next room?—I did not look after it.

2734. Do you know a man named Towner?—There is a man worked with him; I found out his name is Towner; I did not know him before.

2735. Are you aware that he has stated that he was in the next room with the door ajar?—I was not aware of it till the other day; I did not want to know anything about it. It did not make any difference to me where he was.

2736. Did you say, "I do not dare promise you anything, not even half a pint of beer"?—When he said that, nobody gave him nothing. I made the remark, "You may depend upon it, I shall not give you anything, or promise you anything."

2737. He did say that nobody ever gave him anything?—Yes; not just those words.

2738. What were the words?—"Nobody never gives me nothing."

2739. Did you go again the next morning?—I did.

2740. Did you take a fly with you?—I did.

2741. I thought he had not promised you?—More he had not either way.

2742. Did you say to him, "How long shall you be?" and did he say, "Half an hour"?—I went into the room, and I says, "Morris, have you made up your mind? are you coming? here is a fly." "No," he says, "I shall walk down." His wife says, "It is no use your waiting, Marley, he means to vote against you;" and I started directly.

2743. His wife was present when you came next morning?—Yes.

2744. How was it you said you did not dare even offer him half a pint of beer; what made you think of it; had he asked you for any beer?—No; but he said nobody gave him anything; and I made the remark, "I shall not give you anything, nor yet promise you anything."

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2745. Did you tell Morris, on the night of the nomination day that he was to let you know at the Prince of Wales?—No.

2746. Are you sure of that?—Quite.

2747. Now, George Turner, you say, I think, works under the same master?—He does.

2748. How long have you known him?—I should say about 15 or 16 years.

2749. Have you canvassed him for the municipal elections?—Yes.

2750. Had he voted with you?—I do not think he ever did. I never pressed him very close, because I knew how the man was situated.

2751. Did you introduce Mr. Hope and Captain Scott to him on the occasion of your going to the wharf?—I never saw him at the wharf.

2752. But he works under the same master at the wharf?—No; one is Sutton and the other is White; he is a stone-sawyer.

2753. Had you gone to canvass him anywhere?—Turner?

2754. Yes?—Yes.

2755. Where at?—At his own house.

2756. Before you went to his own house, had you canvassed him anywhere?—No.

2757. You are quite sure of that?—I think I am.

2758. You think; just recollect yourself?—I have no recollection of asking him, only at his own house.

2759. Do you recollect the day that you called at his house?—Sunday evening.

2760. Did you tell him to call at your house and say, "Off, or on"?—No, not those words.

2761. What did you say?—I left him on the Sunday; he says, "Well, you know how it is with me. I do not dare vote for you; Mr. Billy would be up with me, and get me discharged in less than a week."

2762. Did you say, "Well, I hope you will favour Mr. Hope with one at any rate"?—I did say so.

2763. Did he say, "No; I have promised the other side, and I should not like to disappoint"?—No, not those words.

2764. What were the words?—"Well," he says, "I do not think I can support you; I do not dare."

2765. Did you say, "Make up your mind, and let me know"?—I says, "Well, I shall leave you now." I was not with him more than 10 minutes at the most. "You can make up your mind, and leave word at my house some time to-morrow, "yes, or no."

2766. Are you quite sure that you did not use the word "figure"?—Quite.

2767. Did he ask you for anything?—No.

2768. Had you known the man some time?—Yes.

2769. Is he a respectable man?—I believe he is.

2770. You know nothing against him?—Nothing against him.

2771. Did you see him the election day; the polling day?—I do not recollect whether I did or did not.

2772. Were you at the Prince of Wales on the polling-day?—Yes, I was.

2773. Were you taking up voters from there?—I was.

2774. I suppose you were very busy?—You might term it very busy; I was doing all I could do.

2775. On the polling-day had not a list been given you to bring up; did the committee divide the voters between them, so that each man was to take charge of a certain number of promised voters, and bring them up to the poll?—We generally understood from each other who we were to bring up to the poll.

2776. I suppose you had canvassed certain voters, and got their names down as promised?—Yes.

2777. And then those that you returned you were to look for and take up to the poll?—That was the system generally.

2778. Did you do that on the polling-day?—I did.

2779. How was it that you went for Morris if he had not promised you?—Why, I had nothing else to do at that time; I had fetched them all up.

2780. At half-past nine in the morning?—Yes; the election was won before that. It was later than half-past nine.

2781. Are you sure of that?—I think I am.

2782. Come,

2782. Come, recollect yourself?—I believe it was. It is queer to me if it was not half-past 10.

2783. Do you really mean to say that at half-past nine you thought the election was won?—I think it was half-past 10 that I went to his house; I should fancy so.

2784. Now, Alexander Lamb we have heard something of; do you know Lamb?—I do.

2785. Have you seen him about here; about the Committee-room?—I think he sat on the benches outside once or twice.

2786. Have you spoken to him?—No, I have not.

2787. Are you sure of that?—Quite sure.

2788. You are quite sure that you never mentioned the words 5 *l.* or 10 *l.* to him?—Quite.

2789. I wish you could recollect how often you canvassed with Messrs. Hope and Scott?—With them?

2790. Yes?—Never but once.

2791. Was that the day you went to the wharf?—That was the same day.

2792. Were there any district meetings held in the ward at the Prince of Wales; the Westborough ward?—I do not know what you term a district meeting; we had our committee meetings, as we usually do.

2793. Had you any general meetings about the election in that district?—I forget. I do not know whether there was one or not.

2794. Did not Messrs. Hope and Scott come into the ward and address the electors there?—I am not aware they did.

2795. In your presence?—No.

Re-examined by Mr. *Venables.*

2796. What is this committee at the Prince of Wales?—It is a committee of individuals formed to look after the election in the Westborough ward; to look after the election. For instance, some persons might be moved; of course, then, we give notice to our secretary that such and such a person has gone from such and such a house.

2797. Is that a committee of the Constitutional Society?—A committee of voters in the Westborough ward.

2798. A committee of the voters of the ward?—Yes.

2799. Was the committee formed at the time of the election, or was it in existence for the purpose of the municipal election before?—It has been in existence these four or five years I should think.

2800. No change was made in the members at the time of the borough election?—Not the slightest.

2801. Have you ever been a member of the central committee which sat at the Bell?—Never.

2802. You never have been in the committee-room when business was going on about the election?—No.

2803. I believe you know nothing about it?—Not anything.

2804. There was one room at the Bell where a good many electors were in the habit of meeting?—Yes, that is the room I alluded to.

2805. Was that a committee-room?—I believe not; I never understood that it was.

2806. Did you ever see business such as a committee would transact carried on there?—No.

2807. You are certain you are right, that you were only one day canvassing with Messrs. Hope and Scott?—Quite positive.

2808. How many others were there with them at that time?—I cannot tell; I suppose there might be 15 or 16, but I really do not know.

2809. When you went up with the fly, on the morning of the election-day, did anything pass between you and Morris but what you have said?—Nothing that I am aware of; I do not recollect anything else. I was not there, I should say, not more than three minutes at the door.

2810. As soon as Morris's wife told you that there was no use in waiting, you went away?—I went away directly.

2811. In your opinion, the election was then won?—Yes.

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2812. You are quite certain that you never said anything about 5 *l.* or 10 *l.* to Lamb?—Quite positive.

2813. Are you quite certain in your recollection of what passed between you and Turner?—Yes.

Examined by the *Committee.*

2814. You said that you are a member of the Constitutional Society?—Yes.

2815. That is a society which was re-constructed about two years ago, we have been told; is that so?—I cannot recollect the time; I thought it was longer than that; I do not recollect.

2816. You are a member of the committee of the Constitutional Society?—I am.

2817. And a member of the Westborough ward committee?—Yes.

2818. Can you tell us what is the organisation of that society, as you are a member of the ward committee?—It is merely to look after the interests of the electors and our friends in the Conservative interest; to see, for instance, if a man removes from a house, it is our duty to give notice to the secretary; if a person dies, to see that he is scratched off the list, or anything of that sort; that is the only thing.

2819. Does the body of the society meet frequently?—No; not very often.

2820. Do they meet in considerable numbers generally?—The committee meet about once a month, or once in two months, there is no telling, as the occasion requires. I do not suppose the general body meet above once or twice in a year in the Westborough ward; I should not think they did.

2821. Do you remember being present when Mr. Hope and Captain Scott first made their appearance as candidates?—In Maidstone?

2822. At the meeting of the Constitutional Society?—Yes, I recollect it; but I was not there on that evening.

2823. We have been told that there is drinking at the ordinary meetings of that society; have you observed that?—Oh, yes.

2824. How is that drink supplied under ordinary circumstances?—Every one pays for their own.

2825. Each pays for their own?—Yes.

2826. Did you observe, on the occasion to which I have referred, any drinking going on at the meeting?—If any person wants a pint of beer or a glass of grog, they generally have it of the landlord. A landlord is appointed to attend; one man does not always attend, but they all pay for what they have.

2827. Did you pay for any drink yourself upon that occasion?—I do not recollect whether I did or not; I dare say I might; it is not often I stop, but I have something to drink.

2828. For yourself, or anybody else?—For myself, not anybody else.

2829. When you talk of this drink being supplied, and people paying for themselves, are you talking of what occurs at a public-house, the Prince of Wales, the Corn Exchange, or a school-room?—Either at the Corn Exchange or the school-room. I never saw any drink, only what is paid for by the individuals themselves.

2830. But at the Corn Exchange, and the other place I have named, there is no public-house?—No; one of the publicans of the town is generally appointed to attend it; he gets his liquors down there during the day, and he is there in the evening to supply whatever may be required.

2831. Who appoints him?—It goes by turns; those who belong to the Constitutional Society; many publicans do belong to it.

2832. And nobody is answerable for the payment?—No, not one halfpenny.

2833. If a person goes there and does not pay for what he consumes?—He does not have it.

2834. It is a loss to the publican?—If a person goes there, he gets nothing to drink unless he orders it; if he orders it, he is expected to pay for it. The waiter does not let him have it unless he does pay for it.

2835. If a person has told us that he had liquor there and has not paid for it, has that person told us what is untrue?—I believe so.

2836. Of your knowledge?—Well, I cannot answer for that; there might be, perhaps, four or five hundred in the room; how is it possible for me to answer for all of them; I do not know that any individual went into that room when I was there without paying his own reckoning.

2837. You

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2837. You do not know that they might not have paid?—I cannot think that it is at all likely; I never gave any one, nor have given any one, a glass of beer.

2838. It has been described to us that this liquor is put upon the table?—That is entirely false; if you were to see 20 in the room yourself, you would not find that one man would receive a glass of beer unless he ordered it from the waiter; he would bring the beer for him, and he would pay for it, or he would not have it.

2839. Would he bring it down to him?—There is a table and stools, and the beer would be placed before him, and he would take the money for it.

2840. Supposing a person went to the bar and said, "There are half-a-dozen people, take them a can of beer," and he paid the money for it, would that be done?—I do not believe it would; I never heard of such a thing there; I never saw a can used for beer in the room.

2841. You have not seen a can used?—Not for beer to be brought down in cans; it has not been while I was there, if it was done.

2842. Are the affairs of this Constitutional Society managed by a committee?—By our own committee, the ward committee.

2843. Is there a head committee?—I rather believe there is.

2844. You believe there is a head committee?—Yes.

2845. Are there any funds belonging to the society?—Not that I am aware of; I am not a subscriber to any.

2846. And nobody subscribes?—No; there are no funds required; we pay for everything we have.

2847. There is nothing charged for the Corn Exchange room when you use it?—I do not know.

2848. What do you think; what is your opinion; is it given free gratis to the members of the Constitutional Society, or is it paid for when the members meet together?—I could not say; that is a question; I could not say anything; it is a part of the business I do not know anything at all about.

2849. You surely have a reason for knowing one way or the other?—The Corn Exchange is let for different purposes.

2850. Do you know of your own knowledge, when there are meetings in the Corn Exchange, whether the persons holding those meetings pay for the room?—It is generally supposed so.

2851. Do you believe, or do you not believe, that this is an exception to the general rule, when your Constitutional Society meets there?—I do not know; I have never given it a thought; I cannot say whether the room is paid for on those occasions; one would fancy it was paid for; I cannot say why this should be an exception.

2852. You state that you have no funds?—I do not know that there are no funds; I am no subscriber to it.

[The Witness was directed to withdraw.

Mr. *John Hartnup* was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

Mr. *J. Hartnup.*

2853. WHAT are you?—I am a farmer.

2854. Do you live near Maidstone?—Yes, in Maidstone.

2855. Where is your farm?—At Maidstone.

2856. In the parish of Maidstone?—In the parish of Maidstone.

2857. Do you know Marley?—I do.

2858. Do you remember meeting him the day before the election?—On the evening of the election.

2859. About what time?—Some time between seven and eight o'clock.

2860. What did Marley say to you?—He asked me to go with him.

2861. Did you go with Marley?—I went with Marley.

2862. Where to?—To Morris's house.

2863. What did you do when you got there?—Marley went to the house; I stayed at the outside.

2864. Where did you stay?—I stayed outside the door.

2865. What was your object in staying outside?—I do not know; I went with him; I did not want to go inside, so I stopped outside.

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2866. Being outside, could you hear what went on inside?—Yes.

2867. Did you hear any conversation between Marley and any other person?—I heard all the conversation that passed.

2868. Between Marley and whom?—Between Marley and Morris.

2869. Can you say in substance what it was; how did Marley begin the conversation?—He asked Morris, Marley did, for Morris's vote.

2870. For whom?—For Mr. Hope and Captain Scott.

2871. What did Morris say?—Morris said he should not promise; he had not made up his mind.

2872. Well?—Whichever way he did vote, he should go for both on one side, or he should not be any half and-half-man, or words to that effect. I cannot justly recollect now what it was.

2873. What did Marley say?—Why, Marley said; I do not justly recollect the words; as far as I recollect, Marley said, "Here is a gentleman here with 80,000 *l.* a year; it stands to sense that he must do more good for the town of Maidstone than a man with a good deal less."

2874. Did Morris say anything in answer to that?—Yes; he supposed he should not get any of it, he said.

2875. Of the 80,000 *l.* a year, is that?—I do not know what he meant.

2876. What did Marley say in answer to that?—Marley said it is no use your talking like that, for I cannot promise you anything.

2877. Did you stay there till Marley left Morris?—Yes.

2878. Did you hear all that passed?—All that passed.

2879. I believe Morris did not see you there?—I do not believe he did.

2880. It was not your intention that he should, at any rate?—No.

2881. Did you go away with Marley when he came out?—I went away with him.

2882. Are you confident that you heard all that passed between them?—Quite confident.

2883. Did you hear them conversing all the time that Marley was in the house?—I did.

2884. Did you hear Marley say anything to him at any time about making it all right?—He never used those words.

2885. Did he use any words to that effect?—No.

2886. Did you hear him hold out any offer of money?—No.

2887. Or promise?—No.

2888. Did you hear anything about after claps?—The words was never used.

2889. You did not hear him say that he had heard tell of them after claps, but never saw them?—I did not.

2890. Did you hear Marley say anything about the Blue party behaving so, but that he made it all right?—No, he did not use those words.

2891. Did Marley use those words, or anything to this effect, "What is left in my hands, I always make right," or "see right"?—He did not.

2892. Did your hear anything differing in substance from what you have now stated pass between Marley and Morris?—No.

Cross-examined by Mr. *Phinn.*

2893. How came you to go up to Morris's house on this evening?—Because he asked me.

2894. What did he ask you to do?—To go with him.

2895. Where?—To a man's house by the name of Morris

2896. Did he say what he was going for?—Trying to get him to vote for Mr. Hope and Captain Scott.

2897. What had you to do with that?—Nothing; only I went with him. He did not know where he lived exactly, and I did not know where he lived, and we went to try and find out.

2898. Did he take you to help him to find out where Morris lived?—Yes.

2899. Was that the reason, to help him to find out where Morris lived?—I do not know.

2900. You know what he told you?—He wanted me to go with him. He asked me to go for a walk first of all, and I went with him.

2901. Did

2901. Did he say that he wanted to call upon Morris?—Yes.

2902. And he did not know where he lived?—Yes.

2903. And he had you to help to find out where he lived?—Yes.

2904. Why did not you go into the house?—I do not know. I did not want to go into the house.

2905. Will you give the reason why you did not go into the house; you say you did not want to go?—That is it.

2906. Did Marley tell you not to come in?—No.

2907. Did he tell you to get down under the window and listen?—No.

2908. Are you quite certain of that?—Yes.

2909. Will you swear that?—Yes.

2910. Mind what you are about; will you swear that?—Yes.

2911. You are quite sure that that is true?—I am quite sure that that is true.

2912. He did not tell you to get under the window?—No.

2913. Did you get under the window?—I did not. I stood aside all the time.

2914. Where did you stand?—Between the window and the door.

2915. Was the door open or shut?—Open.

2916. Did the door open into the passage, or into a room?—Into a room, I believe. I did not see inside.

2917. Did you go to listen to what took place?—It is a wonder I did not go inside with Marley.

2918. Marley did not tell you to listen to what took place?—No.

2919. You would not play the eavesdropper; you would not do such a thing as listen?—I did listen, and heard it all.

2920. Just recollect yourself; did not Marley tell you that he thought Morris was a very bad fellow, and he wanted somebody to listen to what he was going to say?—No.

2921. Did he tell you that Morris wanted to plant him?—No.

2922. You are quite sure of that?—Quite sure.

2923. You would recollect that if you could; you are quite sure that nothing of the sort was said?—Quite sure.

2924. Did Marley tell you that he had got a suspicion of Morris, that he wanted to plant him?—No.

2925. Did he tell you that Morris was a very good sort of fellow?—No.

2926. Did he say anything to you about Morris before he went into the house?—He said he was a rum chap.

2927. You were not taken there to listen to what was said, I suppose?—I did not know what Marley took me there for.

2928. He had not told you that you were to listen to what was said?—He did not tell me that.

2929. Did you talk about what was said as you came away?—Yes.

2930. What did Marley say to you?—I cannot recollect.

2931. You cannot recollect a word of what Marley said to you as you came away?—No, not in particular.

2932. How came you to recollect so well what you heard when he was in the house?—I was close by, standing and hearing the two men talking.

2933. You were walking away from the house and talking to Marley; cannot you recollect what you said?—Not every word. We were talking about the case; about what had taken place there.

2934. Did Marley and you talk over what he had been saying to Morris?—Yes.

2935. Did you ask him whether Mr. Hope had 80,000*l.* a year?—No.

2936. What did you talk about; what Marley had been saying to Morris?—About Marley's asking him for his vote; I told Marley, I said there is nothing that he can construe, that could lead him to say, that could lead Morris to believe that he would have anything.

2937. You said that as you came away; you recollect saying there is nothing you have said that Morris can construe into his promising that he should have anything?—I believe that was it.

2938. How came you to say that?—Well, I do not know.

2939. Had Marley said anything to you to make you say that?—No.

2940. Did it come into your head?—It came into my head.

 2941. How

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2941. How was it that it came into your head?—How is it that things do come into people's heads?

2942. It requires a wiser man than you or me to answer that; was it the mention of the 80,000 *l.* a year that put it into your head?—It might have been.

2943. Had you been talking about Mr. Hope and his money with Marley before?—No.

2944. Was that the first observation you made as he came out of the house, there has nothing passed between you that he can construe into any offer?—It was not the only thing we talked about.

2945. Can you tell us some more?—I cannot tell you more; I cannot recollect it.

2946. What did he say to that?—I do not know.

2947. You recollect making that remark?—I recollect making that remark.

2948. Are you quite sure that you have told us all that passed in the house?—No, I did not tell you all; not every word; I could not do it.

2949. Do you recollect all that passed?—No.

2950. You are quite sure that this was not said, "I do not dare offer you anything, not even a pint of beer"?—I am not sure that he did not say that.

2951. Are you sure one way or the other?—No.

2952. But you are quite sure about the 80,000 *l.* a year?—Yes.

2953. Do you recollect his saying "I dare not offer you anything, not even a half pint of beer"?—I do not recollect his saying it.

2954. You are quite sure about the 80,000 *l.* a year?—Yes.

2955. Did not Morris say he was very much surprised at such a large sum when he said 80,000 *l.*; did not he say "You do not mean that"?—No, he did not say that.

2956. What did he say?—He supposed he should not get any of it.

2957. When he said he supposed he should not get any of it, what did Marley say?—Marley said it was no use his talking like that; Marley said, "It is no use your talking like that, for I cannot promise you anything."

2958. Then Morris had not asked him to promise anything, had he?—No, he had not asked him.

2959. Did he talk something about purples?—No, I do not recollect that.

2960. Did he mention the word "blues"?—I do not think he did.

2961. You are not quite sure of that, are you?—I am not quite sure.

2962. Did you read the Maidstone paper last week?—Which one?

2963. Any of them?—A little.

2964. Did you read Morris's evidence?—Yes.

2965. How came you to do that?—Because I felt interested in doing so.

2966. Had anybody told you before you got hold of the paper what he had said?—No.

2967. You read Morris's evidence?—Yes.

2968. Had you been talking to Marley about Morris before you read the evidence?—No.

2969. Are you quite sure of that? you take some time to think; when was it that you read the evidence?—Friday night, in the paper.

2970. Had you been talking to anybody before that about this case?—What about the case?

2971. About the petition that is going on against Mr. Hope and Captain Scott?—They came and told me they should want me to go to London next day.

2972. When did they tell you that?—Friday night.

2973. Who told you that?—Mr. Dray.

2974. Who is Mr. Dray?—A gentleman that lives in Maidstone.

2975. What is he?—A wine merchant, I believe.

2976. Did he send for you on Friday night late?—He came for me.

2977. Where to?—At a gentleman's house.

2978. Whose house?—Mr Marks's; a gentleman of the name of Marks.

2979. Who is this gentleman by the name of Marks?—He is a salesman in London.

2980. Are you living with him?—No.

2981. How was it you were there?—I went down there to sleep that night.

2982. In London?—In Maidstone; he lives in Maidstone as well as London.

2983. Have you been up here frequently in the gallery?—No.

2984. Had

2984. Had you seen Marley since the election, before Mr. Marks sent for you?—Yes, I had, several times.

2985. Have you talked over what you heard him say to Morris; have you mentioned it?—No; not since the election.

2986. Then the observation you made as he went away, that he had said nothing from which Morris might infer a promise, or anything of that kind, was the only observation you made to him, that you recollect?—The only one that I recollect.

2987. Mr. Dray fetched you on Friday?—Friday last.

2988. Did you see Marley soon after that?—I saw him the next morning.

2989. Did you talk to him about what had taken place; he asked you, I suppose, "You recollect my taking you up to Morris's?—Oh, yes.

2990. "And you recollect I made no promise," I suppose he said, did not he; was not that what he said?—No; he says, "You recollect what took place." "Yes," I said, "a good deal of it I do."

2991. Did he call your attention to the words "after claps;" that Morris never used such words as "after claps"?—He did not.

2992. Did either you or Marley make any remark about "after claps"?—No.

2993. When you read the paper, did you find the words "after claps" there?—Yes.

2994. Did not it astonish you?—It did; that evidence which I read of Morris's very much astonished me.

2995. Did not you talk to Marley about it?—Yes, I did; I have just told you what I said.

2996. Do you remember Marley making an observation to Mrs. Morris?—I do.

2997. What was it?—Well, I believe he said first, "Mrs.," or I do not know what name he called her by, "cannot you make him promise"? She says to Morris, "Why do you not promise at once and have done with it," or something of that sort.

2998. That you recollect?—Yes.

2999. Did she say, "If he does not vote for Mr. Hope and Captain Scott, I will never live with him again"?—I think she did not.

3000. Did not she say these words, "I will never sleep with him again if he does not vote for Hope and Scott"?—No, not those words.

3001. What were the words?—"I will not let him come very close to me to-night if he does not vote for us to-morrow."

3002. You recollect that being said?—Yes, something like it.

3003. Why did not you recollect that before?—It had nothing to do with the case; I was asked what had to do with the case.

3004. Is there any more that you can recollect was said?—That had nothing to do with the case.

3005. Tell us anything that you recollect was said, which she said, whether it had to do with the case or not?—No, there was nothing else as I can recollect at present.

3006. You are quite sure you were standing close up to the door, and not crouching down under the window?—Yes.

3007. You are quite certain about that?—Yes.

Re-examined by Mr. *Venables.*

3008. As you were outside the house, could Marley see whether you were under the window or standing by the door?—He could not I believe.

3009. You might have been, for all he knew, crouching down under the window?—I might have been; he would not have seen me if I had.

3010. I think you say you are not sure whether he said anything about half a pint of beer or not?—I am not quite sure.

3011. You did not hear him offer half a pint of beer?—I know that he did not do so.

3012. Marley said that Morris was a "rum chap"?—Yes.

3013. What did you understand by that?—Well, that he would have some difficulty to get him to vote for the parties he wanted.

3014. It was in connexion with talking about his vote?—Yes, I suppose so.

3015. You knew that Marley's object was to go to canvass Morris?—Yes.

 3016. Having

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3016. Having heard the conversation, you said, as you came away, that he could not construe anything that was said into an offer?—Into a promise that he would receive anything.

3017. After that there was no particular conversation about it, I think you said?—Nothing particular; I cannot recollect what it was; I know there was nothing particular.

3018. Are you sure from that time, the time of the election, till last Friday, you never talked to Marley about this matter at all?—I am sure.

3019. Have you ever heard about it in connexion with the election since?—Not till last Friday.

3020. Was the first time you knew about it reading the Maidstone Journal last Friday night about Morris's evidence?—No.

3021. What was the first time you heard about it?—It was printed on a piece of paper.

3022. When was that?—Friday night.

3023. Where did you see that?—At the Mitre.

3024. You afterwards read it in the Maidstone Journal?—I afterwards read it in the Maidstone Journal.

3025. That comes out on Friday night?—That comes out on Friday night.

3026. That had a report I believe of the proceedings in the Committee on Friday morning, had it not?—Yes.

3027. When you saw this, as you say, I suppose you looked at Morris's evidence, and you remembered that you had been at his house?—Yes.

3028. The next morning you saw Marley about it?—Yes.

3029. Did anything pass between you and Marley about it but what you have stated last Saturday morning?—No.

3030. He reminded you about it, I suppose, and you recollected it?—Yes.

3031. What was it that astonished you in Morris's evidence as you read it in the paper?—Oh, about that sentence that was "after claps;" the words "after claps" was mentioned in it; there was another sentence the other man made use of, Towner, or whatever his name is.

3032. When you saw the words "after claps" in the paper, was that what astonished you?—Yes, and another sentence as well.

3033. Do you remember the other sentence as well?—I cannot call to mind; "whatever was left in Marley's hands he saw right."

3034. When you saw that, it astonished you?—Yes.

3035. It did not make you recollect that it ever happened?—No.

3036. Mr. *Phinn* (through the *Committee*).] Who showed you the slip; this bit of printed paper?—I think it was Mr. Cook.

3037. Is that Mr. Cook the editor of the newspaper?—That was him.

3038. Did he send for you to the Mitre for the purpose?—Mr. Randall sent for me.

3039. That was the first you heard of it when it was shown to you by Mr. Randall or Mr. Cook?—Yes.

Examined by the *Committee.*

3040. I want you to answer some questions, and you must be accurate. Did you or did you not know for what purpose it was that Marley took you up to Morris's house?—He told me for what purpose it was.

3041. What did he tell you?—That he was going to see a man of the name of Morris, and wished me to go with him; that was all he told me. He said he did not know exactly where he lived, and asked me whether I did; I said no.

3042. Did he say anything then further as to his object in taking you up until he went up to the house?—No.

3043. Are you sure of that?—Quite.

3044. Did he tell you that he had brought you to watch under the window?—He did not.

3045. Nor any words to that effect?—No.

3046. If Marley has stated that he did so, was he saying the truth. If Marley has sworn here that he told you to watch under Morris's window, was Marley speaking the truth?—He was not.

3047. Marley did not say to you, "I will go into the house, you stop here"?—No.

3048. Did

3048. Did he either point to the place you were to stand at or bid you stand outside?—No. Mr. *J. Hartnup.*

[The Witness was directed to withdraw. 7 July 1857.

The shorthand writer was directed to read portions of the evidence given by George Sims Marley.

The Witness was again called in.

3049. By the *Committee.*] Where was this window in reference to the door; was it near the door?—Yes.

3050. Was it in the front of the house, the same side of the house as the door?—The same side.

3051. How near the door was it?—As far as from my hand to you.

3052. Are there flower-beds or anything of that kind outside the house?—A small flower garden.

3053. Is there a flower-bed under the window?—There was a border, if I recollect right, not as wide as this table.

3054. Where were you standing when you heard this conversation which was going on inside?—On the path.

3055. Is the path quite close to the window?—I forget whether there is a border between the window and the path or whether there is not. It is a very narrow one, if there is.

3056. Why did you place yourself under the window?—When I went up to the door I was going in with Marley, then I thought I would not. I think I went to one house I knew to inquire whether Morris lived there, and he did not; I think I went to this one and knocked at the door; I will not be quite sure; I think I did; and Marley was coming up behind me and stepped on one side.

3057. Are you quite sure that in putting yourself under the window you were not told to do that or placed in that position by anybody else?—I am sure I was not told.

3058. Or not placed by Marley there?—No.

3059. Marley did not signify to you in any way that you were to place yourself under that window, in order to hear what was going on?—I know I was a great mind, during the conversation, to go into the room too.

3060. In point of fact, were you then there as an eavesdropper or not?—No.

3061. If Marley said that he did anything to place you as a n eavesdropper, as you have stated before, he was not telling the truth?—No, he was not; he could not be.

3062. On your way to Morris's house, when he told you that he was a "rum chap," did Marley tell you that he wished you to be a witness to what passed between them?—No.

3063. You hesitate in answering that question; are you quite sure?—I am quite sure.

3064. Was it dark at the time?—It was.

[The Witness was directed to withdraw.

Mr. *Edward Giles* was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

3065. I BELIEVE you are a clerk to Mr. John Monkton, of Maidstone?—Yes. Mr. *E. Giles.*

3066. I believe he is town clerk of the borough?—Yes.

3067. How many years have you been in his service?—About nine-and-twenty, I think, altogether.

3068. Are you employed by him to collect his rents?—Yes.

3069. Amongst other tenants of his, do you know Henry Lower?—Yes.

3070. He lives in Earl-street, Maidstone, I believe?—Yes.

3071. Is he a person who is often in arrear of rent?—Yes, he is in arrear of rent as well as others.

3072. Do you apply to him in the same way that you do to other tenants every now and then for the arrears?—Yes; I apply every Monday.

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3073. Do you recollect the last Maidstone election?—Yes.

3074. Shortly before the election, did you see Lower come and speak to you?—I saw him at his house most likely.

3075. Was anything said to you about writing him a letter?—He asked me to write him a letter.

3076. To what effect?—He wished me to write a letter stating the amount which he owed of arrears of rent.

3077. Whose name was the letter to be in?—I wrote as I generally do to most of them when they are in arrear.

3078. Was it a letter to press him for payment?—Yes.

3079. Did you write that letter?—Yes.

3080. Did you inform Mr. Monkton of your doing so?—No.

3081. Was Mr. Monkton at that time aware that he was in arrear of rent?—No, I do not think he was.

3082. I believe Mr. Monkton leaves all those matters to your entire control? Yes.

3083. A short time after you had sent this letter, do you recollect Mr. Monkton sending for you?—Yes.

3084. To his office?—It was in the office.

3085. Did he speak to you upon the subject of this letter?—Yes.

3086. Did he then state to you that he had heard of this letter having been sent?—Yes.

3087. Was he angry or pleased with you?—He was angry with me.

3088. Did he charge you with having written this letter with some motive with reference to the election?—Yes.

3089. What did he say?—He stated——

Mr. *Phinn* stated that there was no imputation upon Mr. Monkton. If the witness said that Mr. Monkton disclaimed the transaction that was quite enough.

3090. Mr. *Rodwell.*] I will not go into that, as my learned friend does not throw any imputation upon Mr. Monkton. Did you, after that, go and see Lower again?—Yes.

3091. Did you make a communication to Lower?—Yes.

3092. Did you tell Lower at any time, or give him to understand in any way, that his arrear of rent would be forgiven him?—No.

3093. Nothing of the sort?—Nothing of the sort.

3094. Is it the fact that you have forgiven him his arrear of rent?—It is not; I had no authority.

3095. Is that your book? (*Handing a book to the Witness*)—Yes, this is a book I keep for rents belonging to Mr. Monkton, at least Mr. Monkton's family.

3096. Is there any alteration in the entry of arrears, or anything here to show that Lower has been in any way excused the arrears?—Not any.

3097. What is the amount of arrears now due?—There is due, up to last Monday week, 7 *l.* 9*s.* 6*d.*

3098. I believe he pays his rent weekly?—He ought to do.

3099. Five shillings?—Some pay 5*s.*, some 3*s.*

3100. Am I right in stating that is about the amount of arrear which has been owing for a very considerable time?—This time twelvemonths there was 5*l.* 9*s.* 6*d.*

3101. When was that?—In June.

3102. June last year?—Yes.

3103. Now the arrears have swelled up 2*l.* more?—About 7*l.* 9*s.* 6*d.*

3104. Between June last year and the present time, has he at intervals paid you 5*s.* and so on for his week's rent?—He paid me according to that, as down in this book; 5*s.*

3105. There has been no alteration or change in your system with him?—Oh no, none whatever; not with him.

Cross-examined by Mr. *Phinn.*

3106. Let me look at your book, please; is that your book you gave him? (*The book was handed to Mr. Phinn.*)—Yes; I put it down in pencil in their books.

3107. One

3107. One book is not a copy of the other, as I understand?—No. To save disputes in what money I receive of them, in case anything happened to me, they may say they do not owe anything; I give all the tenants a book, and they can show there the amount I receive.

3108. I see the arrears up to the end of March are 7 *l.* 9 *s.* 6 *d.*?—Up to the end of June.

3109. You bring up the arrears to the end of March, 7 *l.* 9 *s.* 6 *d.*?—Yes.

3110. He was correct if he stated to the Committee it was about that amount?—Yes.

3111. You have known Maidstone a long time. Do you find people pay their arrears up generally after the election?—No, I do not know that they do.

3112. Have you not found in your experience, that the rent is paid; money is a little more flush after the election?—I have never received any.

3113. I do not impute anything to you. Do not you find dealing with small tenants; do not you find, in point of fact, soon after the election, or about Christmas after the election, you get your arrears of rent much easier?—I only collect these cottages; I cannot speak to that.

3114. How many cottages?—Five.

3115. You have done so for many years. Have you not found, in point of fact, where rent has been in arrear, the arrear has been paid up about the election time?—No.

3116. You have not found that?—No.

3117. You are sure of it?—I am sure of it.

3118. You recollect that he said this about the letter; how long before the polling-day was it?—When he asked me for a letter?

3119. Yes?—It might be a week.

3120. Did you tell him at that time, or had you told him shortly before that time that the arrears must be paid up?—It is most likely I might say so; I do not say more to one than to another.

3121. I am only speaking of him; have you told him you would let him know what the amount due was?—He asked me, I think.

3122. Previously to that, had you told him you would let him know what the amount due was?—Not to my recollection.

3123. You might have done so without your recollecting it?—I might have, or I might not.

3124. Did he tell you, at the time he asked you for the note, that he expected to get it settled up at the election?—No, I do not think anything passed between us about the election; he wished me to let him know, or write to him, what amount of arrears was then due, and I did so.

3125. Did he say what for?—No.

3126. Were not you surprised at his asking you to write?—I might have; I did not ask him any questions.

3127. Are you sure he did not say, or something did not pass between you, that he expected a gentleman to settle it up for him?—No.

3128. Are you quite certain that he said nothing to that effect, as the election was coming, that he expected it to be settled up?—He might say; he did not say who.

3129. As the election was coming, he expected that it would be settled up: did he say that?—He might have said so.

3130. It is very possible he did, is it not?—I do not see that.

3131. Whatever passed, was not it from what passed between you and him that you sent the note?—Certainly.

3132. How long after you had sent that note did Mr. Monkton speak to you about it?—I do not know; it might be three or four days.

3133. In whose name was it signed?—It was signed; no name.

3134. How was it?—"Mr. Monkton begs leave to call Mr. Lower's attention to the arrears of rent."

3135. Had you ever sent him a note of that kind before?—I have no doubt I have; I do to them all, almost, every quarter, in that way.

3136. Can you recollect whether you have or not?—I should say I have sent him a note.

3137. You have no positive recollection?—No; it is the usual course I have followed for years every quarter, to send a note if they get far back.

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3138. After that, how soon was it that Mr. Monkton spoke to you about it?—I should say it was three or four days after.

3139. You cannot fix it more accurately?—No.

3140. Did Mr. Monkton mention that he had a communication from Mr. Joslen?—He did not say who.

3141. Was Mr. Joslen mentioned to you?—Not then.

3142. Not in the whole transaction?—Not then.

3143. Did not Mr. Monkton tell you you had no business to meddle; that the note was written without his sanction, and he was afraid it would deprive the party of a vote; or something of that kind?—Something of that was said.

3144. Did he say that his information had come from Mr. Joslen?—No; Mr. Monkton did not mention anybody's name.

3145. Did not Mr. Monkton, at that time, mention to you the source of his information; that is all I want to know?—He did not mention from whence it came.

3146. Did he direct you to write a note at once, revoking, as it were, the other note?—No; no such thing was mentioned.

3147. What did he say to you; did not he complain of your having written the letter?—He complained of my having written this letter.

3148. Did you afterwards write a second letter?—No.

3149. Did Mr. Monkton state to you that he should write one?—No, he did not.

3150. Do you know young Mr. Monkton?—Yes.

3151. Did he speak to you upon the subject?—No. I do not think he has ever mentioned a word to me upon the subject.

3152. Are you quite sure?—Yes. I believe he has never said a word to me.

3153. Did you afterwards see Joslen?—No.

3154. Was Joslen's name mentioned to you in connection with this transaction?—Yes.

3155. Whom by?—By Lower.

3156. When was that?—The very day Mr. Monkton spoke to me about it.

3157. Could you fix that day at all?—I do not know; it was a day or two before the election.

3158. What did he say to you about Joslen?—Lower?

3159. Yes?—It was in the conversation he and Joslen had had.

3160. What did he say about Joslen?—I must commence and tell you what I said to Lower.

3161. What did you say to Lower?—In consequence of what passed between Mr. Monkton and me about this letter, I went down to Lower, and I says to Lower, "That letter I sent to you has got me into a devil of a row. You have been showing it." So then he said, "Why, I have shown it to Mr. Joslen; I suppose Mr. Joslen has been and informed Mr. Monkton." That is what I said to him.

3162. Did he say for what purpose he had shown it?—No. I said, "I wrote the letter to do you good, and it has got me into a devil of a row. I do not care a damn whether you pay any rent or not;" and then we parted.

3163. Did you see him again on the subject of this letter?—No; I do not think we had any more over that.

3164. Did Mr. Joslen come and speak to you upon the subject?—No.

3165. Never spoke to you at all upon the subject?—No.

3166. Do you remember what sum you mentioned in the letter you wrote to him?—No; I think it was something about 11 *l.*

3167. Was there 11 *l.* due then?—Yes; I believe there was about that sum.

3168. Just show me in your book whether 11 *l.* was ever due?—No, it is not due.

3169. How came you to think 11 *l.*?—I do not know; there was 11 *l.* due, I think, that time between him and me.

3170. Look at your book?—There is nothing here.

3171. How do you make out that 11 *l.* was due?—I do not know how I made it out then; it was 11 *l.*, or 7 *l.*

3172. You have told the Committee it was 11 *l.*?—I believe it was 11 *l.*

3173. Can you point out to me that 11 *l.* was ever due?—I do not think 11 *l.* was ever due.

3174. Had the arrears been ever more than 7 *l.* or 8 *l.*?—That book shows.

3175. At

3175. At that time the arrears were 7 *l.* 9 *s.* 6 *d.* made up by yourself?—Yes, they are made up every quarter.

3176. Did not you make it out 11 *l.* that he might get more money?—No, I did not give it him for that.

3177. Why did you make it 11 *l.*?—It was 11 *l.* I believe.

3178. Why was it you made 11 *l.* when the man only owed 7 *l.*?—(*The Witness hesitated*).

3179. Pray give the Committee any explanation you please why it was you made up 11 *l.* when the man only owed between 7 *l.* and 8 *l.*?—I think there was some difference between him and me for shoes and things.

3180. For shoes supplied by him to you?—Yes.

3181. That would diminish the account instead of increasing it?—Yes, that would.

3182. That is not the account of it?—I do not know what it was; it was 11 *l.* I believe.

3183. I ask you, do not you know that 10 *l.* very often came to the voters at the election; you made it up 11 *l.* that he might get it?—It did not signify to me whether he got the money.

3184. Did not you make up 11 *l.* in order that he might get it out of the candidates?—If I made it up 11 *l.* it was nothing to me where he got it.

3185. Did not you make it up for that purpose?—I made it up for the purpose he might get the money.

3186. Did you know that he was a poor man?—I was sure he was a poor man.

3187. Where did you expect he was to get the money from?—I did not ask him the question.

3188. Where did you expect he was to get the money from?—From whoever he might think proper.

3189. Upon your oath, did not you believe he would get it for his vote at the election?—Yes, I did; he would expect he would get it from somebody or other, or try at it.

3190. Did you tell Mr. Monkton you had made up 11 *l.* when he only owed 7 *l.*?—I did not mention any sum at all to Mr. Monkton; Mr. Monkton knew nothing whatever about the letter; it rested entirely with me; I never mentioned one word to Mr. Monkton about it.

3191. Mr. Monkton was not aware that you made up the arrears to 11 *l.*?—Mr. Monkton was not aware whether he owed 2 *l.* or 1 *l.*

Re-examined by Mr. *Rodwell.*

3192. You say the money might have been got from the election; you do not say from whom, or whether anything was said from which of the parties?—No; nothing was said about the party at all; what he was going to vote for, or whether he was going to vote.

3193. You say Mr. Monkton did not know the state of the account?—Certainly he did not.

[The Witness was directed to withdraw.

John Monkton, Esq., was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

3194. YOU are town clerk of Maidstone, I believe?—I am.

3195. Is the last witness, Giles, the collector of your rents?—He is.

3196. Have you a tenant by the name of Henry Lower?—I have.

3197. Were you aware at all at the last election, of Giles having sent a letter to Lower for arrears of rent, until after the letter had been sent?—Certainly not.

3198. Did you in anywise authorise Giles to write a letter for the rent, or to press Lower in any way?—Undoubtedly not.

3199. Have you given authority to him, or any one, to forgive Lower any arrears of rent due from him to you?—I have given no such authority to anyone, nor am I aware that such a thing has occurred.

3200. Were you aware at the time that this letter appears to have been written by Giles, what was the amount of the arrears of rent due from Lower to you?—I did

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I did not know that the man was in arrear at all, except that cottage rents are generally in arrear.

3201. Have you ever received any money from any one on behalf of Lower for his arrears of rent?—I have received nothing from any one, nor have I been promised anything by any one; with respect to Lower's rent, whatever the arrears are, he still owes them, and still shall pay them.

Cross-examined by Mr. *Phinn*.

3202. Did you authorise a second letter to be written, withdrawing the first?—I did; I requested my son to write; I was most indignant at finding that a letter had been written at such a moment as an approaching election, and I sent for, and most severely reprimanded my clerk, and I will give my reasons for it.

3203. Perhaps you will be good enough to do so?—It came to my knowledge that my clerk, who collects these rents, had threatened a distress, or some proceeding; I sent for him, and asked if it was the fact; he acknowledged that it was; I reprimanded him most severely, for this reason; and I explained my reason. I said, "If that man Lower has promised to vote for the party with whom I am connected, it is the best means of driving him away, and preventing his voting; if, on the other hand, he is going to vote, or has promised to vote for the opposite party, I shall be branded as a man attempting to influence his vote, and at a moment like this, I was therefore indignant and annoyed, and I requested my son instantly to write, and say that it was not with my sanction, or with my knowledge.

3204. Did your son show you the letter he had written?—Yes, he did.

3205. I only ask you that question in order that you may fix the date?—It was very shortly before the day of the election, but I could not tell you what day it occurred indeed.

3206. You did not keep any copy, or any memorandum of the letter?—No, I did not; I saw it, and that was all.

3207. It was in the week of the polling?—I should say, I think it was closer than that; I cannot pledge myself to the time.

3208. Do you know Mr. Joslen?—Very well.

3209. Had his name been mentioned to you in connection with the occurrence?—Till within three days I never heard Mr. Joslen's name connected with Lower's, or any rent until, in fact, the opening speech here.

3210. Have you not laid before you from time to time a statement by Mr. Giles of the amount of the arrears?—I have, about once a year I think it is; I am not aware of the precise time; he makes up his accounts and pays me the balance.

3211. He shows you that there are arrears; he shows you his book, which I suppose you hardly read?—I do not, unless a man is much in arrear, and then I tell him to get in the arrears.

3212. Did he mention that whereas 7 *l.* were due, he had asked for 11 *l.*?—No.

3213. You were not aware of the contents of that letter?—No.

Mr. *Phinn*.] I ought to say that your name was mentioned by me on the part of the petitioners, because it had been mentioned by these parties.

Witness.] There is an old man who has petitioned, and my name is branded over the country as an electioneering briber, and I felt extremely indignant at it. I have been in Maidstone these thirty years, without fear, and I hope without reproach, and then an old scoundrel, I cannot call him anything else, presents a Petition to this House, and sends my name in as a briber; a poor old wretched man, whose pious hands, if reputation says true, have been steeped in bribery for these many years.

Chairman.] All I can say is, that there is neither evidence affecting you, nor is there any imputation upon you

Witness.] Here is the paper that goes through with it; I do not complain of that man, he gets his living by it; but that poor old man ought to know better.

[The Witness was directed to withdraw.

Mr. *Jonathan Pollard Joslen* was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. *J. P. Joslen.*

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3214. YOU are a paper dealer, living at Maidstone?—I am.

3215. Do you recollect, a few days before the last Maidstone election, calling upon Lower, a voter?—I do.

3216. Upon that occasion did he show you a letter?—Yes, he did.

3217. What was the purport of that letter?—It was a letter stated as coming from Mr. Monkton, requesting payment of rent.

3218. Did you take that letter into your hand, or did you look at it?—Yes.

3219. Do you know Mr. Monkton's writing?—Yes.

3220. Did you know that that was not his writing?—Yes.

3221. Did you say so to Lower?—I said I thought it came there without Mr. Monkton's sanction.

3222. I believe you afterwards went to Mr. Monkton, and informed him of your having seen such a letter?—I never saw Mr. Monkton upon the subject; I saw young Mr. Monkton.

3223. At his father's house? No.

3224. Where?—I met him in the Upper Stone-street-road.

3225. Did young Mr. Monkton afterwards give you another letter?—He did not; he sent me a letter.

3226. What did you do with that letter?—I showed it to Lower.

3227. What was the purport of that letter?—That letter stated that the first letter was written without Mr. Monkton's sanction.

3228. Did you read it over to Lower?—I did, and I offered it to him for him to read himself.

3229. Did you ask him for his vote?—I did not.

3230. Did he come to you about his vote?—Never.

3231. Did he make any statement to you about it?—Not a bit.

3232. Do you recollect, during the election, Lower making any statement to you then about any money having been offered to him?—I do, perfectly.

3233. When was that?—It was the evening previous to the election.

3234. Did Lower come to you, or did you meet with him, or where was it?—I called upon him.

3235. For what purpose?—For the purpose of stating he would serve the party by voting early next morning.

3236. What did he say?—He said, "I do not know about that; I do not know that I shall vote for your party; I have had 10 gold sovereigns offered me if I would vote for Lee and Mildmay;" those were the exact words.

3237. What did you say?—I immediately said, "I wonder you did not take them."

3238. What did he say to that?—He said he was a poor man; he thought he must look to himself. I then said I did not believe he had the sovereigns offered him, which rather put him out. He said, "What! do you mean to say I am a liar?" I said, "No, I will not say that much; I mean to say it was a most scandalous thing for any man to offer you 10*l.*; a most bare-faced thing;" those were the words.

3239. Did you ask him any more for his vote upon that occasion?—I told him he had promised Mr. Hope and Captain Scott; if he did not vote according to his promise, his conduct would appear very shameful.

3240. You then left him, I believe?—I left him.

3241. The next day, the day of the polling, did you see him?—Not until after he had polled.

3242. After the polling you saw him?—I did.

3243. Had you any conversation with him then?—After I had polled myself, I was returning home; in the Star yard I passed through on my way home, and I met Lower.

3244. What passed between you?—He said he had just voted; I asked him who for: "All right," he said.

3245. What did he say?—"All right."

3246. After he said "All right," what did he say?—Nothing more passed; I walked home.

3247. Did you at any time give him to understand, directly or indirectly, that

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he would be excused his arrears of rent, or that any one would be forthcoming to pay his arrears to Mr. Monkton?—Never.

3248. Nothing of the sort?—Nothing of the sort.

3249. It is a gross falsehood?—It is a gross falsehood, plainly and distinctly.

Cross-examined by Mr. *Phinn.*

3250. When was the first time you spoke to Lower about his vote at all upon this election?—It might be a day or two before he was convassed by the candidates.

3251. Did you go with the candidates to canvass him?—I did.

3252. Was a man named Alfred Pratt in the shop when you went there?—I do not know Alfred Pratt.

3253. Was a man in the shop?—No one was in the shop.

3254. Did you go first, and ask him to stay at home, and then go back, and return with Mr. Hope and Captain Scott?—I went up, and I told Lower that Messrs. Hope and Scott were close at hand, and I asked him if he would be at home if they were here in five or ten minutes; I saw them coming up the street, in fact, and I beckoned to Mr. Hope, and I walked towards him as they were passing up towards myself; I asked him if he would like to see Lower now.

3255. Did you go into the shop with Mr. Hope and Captain Scott?—I went into the shop with Mr. Hope and Captain Scott.

3256. I believe Mr. Hope recognised Lower as an old friend, did not he?—I do not remember that he did particularly.

3257. Did you introduce them, or did Mr. Hope say, "Well, my old friend Lower"?—I introduced Mr. Hope and Captain Scott; I merely mentioned their names in a passing way.

3258. You do not recollect Mr. Hope said to him, "One of my oldest friends"?—No, I do not remember that speech.

3259. If the candidate had said that, you would recollect?—It might have been so; there was a very small portion of room in the shop, and I made my way to the shop door, to make way for Mr. Hope and Captain Scott; there is not room for two or three to stand in the shop.

3260. Do you recollect Mr. Hope asking him to vote for him, Mr. Hope?—I remember that.

3261. Do you remember Lower saying, "If I vote for you, I vote for myself too"?—He promised us that he would vote for Mr. Hope and Captain Scott, without hesitation, and without making any further speech.

3262. You are not sure he did not say, "If I vote for you, I vote for myself too"?—I am not quite sure; I did not hear.

3263. You were so close, you must have heard. I thought this shop was such a little bit of a place?—I was standing with my face towards the street.

3264. Was Mrs. Lower and the children in the shop?—I think they were; I took very little notice of what was passing.

3265. Did not somebody say, "This is a happy family"?—Yes, I heard something of that kind; some such speech.

3266. Did not you hear him say, "If I vote for you, I vote for myself too"?—No, I did not.

3267. How long have you known Lower?—Many years.

3268. What, do you mean since the old times of 1847?—No, I never knew him in the old times.

3269. What do you call the old times?—I do not understand what you mean by the old times.

3270. Do you remember the election of 1847?—No, I do not remember the election of 1847; I have very little to do with elections.

3271. Or 1841?—Or 1841.

3272. Had you a good deal to do with this?—Very little; no man in Maidstone had much less.

3273. Did not you go about canvassing with Mr. Hope and Captain Scott?—I was perhaps about with them a quarter of an hour; I should not be with them more; I went up Week-street, and fell in with Mr. Benstead, and joined them.

3274. Are you a member of the Constitutional Society?—I am.

3275. A member of the High-street ward committee?—No.

3276. Were you at the High-street ward committee?—No.

3277. Do

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3277. Do you know a place called Amiss's, the baker's, in Bank-street?—No; I do not know such a man.

3278. Are you quite sure that the first time you saw Lower was so shortly before the election as you have described?—I do not understand you.

3279. When did you first see Lower about his vote?—Yes.

3280. When did you first see him?—About two days before he was canvassed by Mr. Hope and Captain Scott.

3281. When was he canvassed by Mr. Hope and Captain Scott?—I cannot say; two or three days before the election.

3282. The first time you spoke to him, was it in the election week?—I should think most likely it was.

3283. Did he, when you first spoke to him, tell you that he was in arrears of rent?—The note told me that.

3284. Then he showed you the note; was that the first time you ever spoke to him about his vote?—No, he did not.

3285. I asked you, the first time you spoke to him about his vote, did he speak to you about his rent?—No; it was not the first time I spoke to him about his vote.

3286. Was it before or after he promised Mr. Hope and Captain Scott, that he spoke to you about his rent?—After; it was on the day of the nomination.

3287. Then he showed you that letter?—He did on the morning of the nomination. I passed with that note to meet Mr. Hope coming into Maidstone, and in my way there, I met Mr. John Monkton.

3288. When he showed you this note, did you take it away?—I did, but with his permission.

3289. Whom did you take it to?—To young Mr. Monkton, to ask him whether he thought it came from his father's office.

3290. Did Mr. Monkton tell you he would get another letter written?—Yes.

3291. Did you tell Mr. Monkton that the vote would be lost?—Not a syllable.

3292. Why did you take it to Mr. Monkton?—To satisfy Lower it was not written with Mr. Monkton's sanction.

3293. What business was it of yours?—It was no business of mine; I wanted his vote; I did not want to offend him.

3294. He showed you the second letter, did he not?—No; the second letter I saw; I showed him the letter.

3295. Did you leave it with him?—I did.

3296. What made you leave that second letter?—He requested me.

3297. Did you afterwards tear it up?—Yes, I did.

3298. In your own shop?—Yes, I did.

3299. What made you tear it up?—I had no idea it would be of any use.

3300. Did you tear up Mr. Monkton's first letter?—No; it was addressed to Lower.

3301. Did you tear up the first one too?—I am quite certain I did not; I merely tore up the one that was addressed to me; I delivered the other up to Lower.

3302. Did not Lower say on the day of polling, he would not poll unless he was satisfied about his rent?—Never to me.

3303. Did not you say, "Oh! you will not be troubled about your rent"?—Never.

3304. You were anxious to show him that he should not be troubled about his rent?—I was not anxious.

3305. Were not you anxious to show Lower that the letter was not written by Mr. Monkton?—I did, to satisfy him I considered it was written without Mr. Monkton's sanction, and so it turned out.

3306. Do you remember a man being present when you read the second letter from Mr. Monkton?—No.

3307. Surely in this little shop you must have seen him if he was there?—There might have been; if I thought this would have been inquired into, I would have remembered it.

3308. When did you first hear of Lower being bribed?—He told me himself he had money offered him.

3309. That was to vote for Lee and Mildmay; when did you first hear this particular instance spoken of?—I cannot say.

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3310. Was it soon after the election?—I cannot charge my memory with it.

3311. You can tell us surely whether it was within a week of the election or a month?—I can say that much.

3312. How soon after the election?—I should say it might be within a fortnight or three weeks; I cannot positively say, really.

3313. Have you sent for Lower since this occurrence, or called upon him?—I called upon him two or three days ago.

3314. Was it when you heard he was coming to give evidence here?—No; I merely wanted something done, and he has done jobbing work for my house for many years; I wanted something done which I wanted him to take away. I have not spoken to Lower upon the election in any shape or way.

3315. Did you see him on the 15th of May?—I am sure I cannot say; I do not know anything about dates.

3316. You seem to be very vague about dates?—I did not take notice of dates.

3317. Did you see him in the month of May?—If the election took place in the month of May, I did see him in the month of May; I dare say I did see him four or five days a week; I pass his house.

3318. Do not you know whether the election took place in the month of May or not?—I do not.

3319. Your memory is so bad; do you mean to tell the Committee you cannot tell whether the election took place in the month of May or not?—I cannot positively say whether it was the month of May or not; I pay so little attention to those sort of things as that.

3320. You cannot recollect whether the election took place in the month of May?—I am quite certain I do not.

3321. Do you remember hearing that there was a petition?—I do.

3322. How soon after the election?—That I cannot say; it was very soon after the election; I heard, on the day of the election, that there would be one; Mr. Lee told them so out of the window; I was passing at the time, and could not miss hearing it.

3323. Do you remember seeing Lower after knowing that there would be a petition, or after hearing that one had been presented?—No; I saw Lower on the day of the election.

3324. I am not speaking of the day of the election; I am asking you, since the election have you seen Lower, and talked to him about this business?—No, not a word; I said so just now.

3325. Did you say to Lower, at any time, "Here is a pretty to-do, they say I have been giving you 10 *l.* to vote for us"?—No.

3326. Did you say, "The Liberals have been offering 5 *l.* or 10 *l.* to get men to swear falsely;" do you remember saying that to Lower?—No.

3327. Nor words to that effect?—No, I have never had any conversation with Lower since the election.

3328. Are you quite sure you did not say, "If it was known you would both go to Newgate"?—I said, relative to that, when he asked me something about money, "Do you know this; if I offer you a bribe for your vote I am liable to go to Newgate; and if you take it, you are also liable to go to Newgate."

3329. When did he ask you about money?—The day previous to the election; it was on the circumstance of his telling me he had 10 *l.* offered him.

3330. What did he ask you for?—I could see his drift very well.

3331. What did he say?—That is what he did say.

3332. You have not told us?—He did not reply to that at all—yes, he did.

3333. What made you say you should go to Newgate?—That led to it; he said in reply to that, "Well, I should not mind at all; I had just go to Newgate as remain here and starve."

3334. Did he ask you for any money?—Never.

3335. You said you saw his drift?—As regarding his vote, he said he expected by-and-bye to have something.

3336. He did say that to you?—Yes.

3337. What did you say?—I said, "You must not expect a farthing from me, or anything else;" I positively told him so on every occasion I saw him.

3338. Was that after you had been talking about the rent?—After and before too; always.

Re-examined

Re-examined by Mr. *Rodwell.*

3339. You knew nothing about this rent or arrears until Lower mentioned it to you, and showed to you the letter?—No.

3340. Directly that you saw the letter, you told him it was not Mr. Monkton's writing?—I told him I could not believe it came from Mr. Monkton's office.

3341. Was it in consequence of what he told you about this letter that you went to Mr. Monkton to set him right, and satisfy him it was not his letter?—It was; I wish you to understand I did not go to Mr. Monkton; I met young Mr. Monkton.

3342. And showed him the letter?—And gave it to him; he said he would ask his father upon the subject of it, whether it was done entirely without his father's sanction.

3343. Do I understand you also to say, upon the day of polling you did not see Lower until after he had polled?—I did not.

Examined by the *Committee.*

3344. You had known Lower for some time?—Yes.

3345. Have you employed him?—I have, in all jobbing matters; as if a case of charity, in fact.

3346. What is your general opinion as to his character?—I cannot say anything about his character; I have often heard that he is a man without a character, but I do not know; I could not speak from my own knowledge at all; I know he is a drunken man; I have often seen him drunk.

3347. If he is a man with a bad character, why do you employ him?—I did it purely from charitable motives; I have seen his wife in great distress, and his children starving, so much so that my wife has often sent them up a dinner.

3348. Are you quite sure that there was no conversation between you and Lower at the time of the election, which could fairly be construed into an intimation on your part that he was to receive any advantage from voting?—Not the least intimation from me.

3349. Nothing about your making a fresh agreement with him, or anything of that kind?—No, nothing.

3350. Did you call upon him the evening before the polling-day?—I did.

3351. After dark?—It was late in the evening; it was dark.

3352. Nine or ten o'clock?—About nine o'clock.

3353. Did Lower come into his house, and find you there with his wife?—He was there when I called upon him; he was there himself; he was at home.

3354. After the last answer I need scarcely ask whether, when you were left alone with him, you talked about a new arrangement being made?—No, I did not.

3355. You did not approve of the system?—I did not say anything about it; I was too careful in what I was doing to be alarmed about anything.

3356. Not having seem him the next morning before the polling, as a matter of course you could not have pressed him to vote?—I did not press him to vote at all; I left it entirely in his hands, and I told him so; I told him he had promised Mr. Hope and Captain Scott, and if he did not vote his conduct would appear very shameful; at the same time I left it entirely in his hands what course he chose to take.

3357. Mr. *Phinn* (through the *Committee*).] Have you asked Lower to be bail for one of your friends?—Never.

3358. Will you swear that?—Never.

3359. Who was in prison?—Never.

3360. Had you a friend in prison?—I never had a friend in prison in my life.

3361. Some one you took an interest in?—No one; not the least.

3362. By the *Committee.*] Do not you think that second letter you took to Lower might have led him to infer that his rent would not be demanded?—No, I should think not; the letter merely stated that the first letter was written entirely without Mr. Monkton's sanction.

3363. You do not think that might have led him to infer that his rent would not be demanded?—I do not see it at all, because I distinctly told him myself he must not expect anything from me or our party.

3364. At the time you gave him that letter?—At various other times also.

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3365. That time you did?—At that time particularly.

3366. Did not you say you were rather frightened at the system you were pursuing?—No, I was not at all frightened; I would not allow myself to be frightened; I would not undertake anything I could be frightened at.

3367. Was anybody with you when you came to canvass Lower, after you had come back, when you asked him to remain for five or ten minutes, that the candidates were coming up, besides the candidate and yourself?—Mr. Wickham was present, and one or two other gentlemen were close at hand, standing outside, there was not room for them in the shop; it was a very small shop.

[The Witness was directed to withdraw.

Mr. *Joseph Parton* was called in; and, having been sworn, was Examined by Mr. *Rodwell* as follows:

Mr. *J. Parton.*

3368. I BELIEVE you are a miller, at Maidstone?—I am.

3369. Was a man of the name of Dunnage in your employment at the time of the election?—He was.

3370. As a miller's man?—Yes.

3371. Did you, during the election, ask him for his vote for Messrs. Hope and Scott?—I did not exactly ask him for his vote, but gentlemen came down for both sides to ask me to canvass him for his vote; I says to him, "Dunnage, I do dislike these gentlemen coming for your vote very much; I would rather you would make up your mind which way you vote; but mind, it does not matter to me a bit; I do not wish to influence you in any manner whatever which way you vote, only one thing: make up your mind, and if you do not mean to vote, say so; if you mean to vote for either party, let them know." The conversation there dropped, and nothing more was said either before or since.

3372. With the exception of the conversation which you have now detailed, directly or indirectly, no canvassing on your part was made to Dunnage for his vote?—No canvassing whatever.

3373. Nor any inducement whatever at any time?—No.

3374. I believe you did not take a very active part in the election yourself?—No active part; I never spoke to Messrs. Hope and Scott during the whole of the election.

3375. You say that you took no active part; were you out with Messrs. Hope and Scott during the election?—None whatever.

3376. I will put it for form's sake; did you ever say to Dunnage that he might as well vote for Hope and Scott, and get 5 *l.*?—Nothing of the kind.

Cross-examined by Mr. *Phinn.*

3377. Do you recollect who was present when you spoke to Dunnage about his vote?—I can almost swear, but I should not like to swear, that no one was present at the time.

3378. Do you know Lee?—Lee was a man in my employ that I discharged on Saturday night.

3379. What for?—I discharged him for absenting himself without permission.

3380. Because he had come up here to give evidence?—Exactly.

3381. You had no cause of complaint with him up to that time?—No cause whatever.

3382. Did you know the evidence he had given when you discharged him?—I did not, only from hearsay.

3383. Had you heard that he had said that you mentioned 5 *l.* to Dunnage?—I cannot say that I did.

3384. Can you say that you did not?—I heard it sometime; I cannot say whether it was before I discharged him or after.

3385. I ask you whether you did not hear on Saturday that Lee had said that he overheard you use the word 5 *l.*, and you discharged him on Saturday night?—I cannot remember that I did.

3386. Did you see the Maidstone Journal?—I think I did.

3387. What time did you see the Maidstone Journal?—I saw it; I started at 20 minutes past nine; I saw it as I came to London, between nine and ten o'clock.

3388. What

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3388. What time did you discharge Lee?—I discharged Lee about ten o'clock that night.

3389. Had you read in the Maidstone Journal the evidence he had given here?—I had not.

3390. Had you read the evidence given?—I had not.

3391. Were you at the Mitre?—I was not.

3392. Did you see the slips that were published?—I was not at the Mitre, nor did I see the slips.

3393. Did not you find in the Maidstone Journal of Saturday the evidence of Lee?—I cannot remember that I did; I do not believe it was there.

3394. Had you been told that Lee had given evidence as to the 5 *l.*?—I had heard from two or three different people who told me that Lee had given evidence; some told me one thing, some told me another.

3395. Did not some of them at any rate tell you that Lee had said that he overheard the words 5 *l.*?—I heard that two or three times.

3396. Before you discharged him?—That I cannot say.

3397. Did not you hear that in the course of Saturday?—I cannot recollect that I did.

3398. Will you swear that you did not?—No.

3399. Did you discharge him on that ground?—No, I did not.

3400. Was not that your reason?—I could prove by my clerk and foreman that I discharged that man for absenting himself without my permission; I should not think of a man absenting himself without permission for a day, coming on again.

3401. Was the reason that you gave him for discharging him, that he had absented himself without permission?—Entirely.

3402. That is the reason you allege; is that the reason you gave him?—Yes.

3403. Who asked you to get his vote for Messrs. Hope and Scott?—Whose?

3404. Dunnage's?—No one.

3405. I thought you told me that gentlemen on both sides had applied to you to get his vote?—No.

3406. You said that you were applied to?—Gentlemen of both parties came to apply to Dunnage; that is why I objected.

3407. Where was it that this conversation took place?—In the mill.

3408. While the mill was going?—Yes.

3409. Do you recollect saying, you may as well vote for Hope and Scott, and get 5 *l.*, as vote for the other side and get nothing?—I could not recollect it; I am sure I never said it.

3410. Are you sure you did not say Mr. Hope was very liberal?—I am quite sure of that.

3411. Have you seen Mr. Gilliam at your mill during the election?—Not once.

3412. Have you seen Mr. Hope?—Not once.

3413. Did not he come down to canvass?—I heard that he did; I did not see him.

3414. Were you outside here on Saturday?—I was.

3415. Were you then told what Lee had been saying?—I dare say I was; I heard it two or three times.

Re-examined by Mr. *Rodwell.*

3416. Is what he said false about your having offered him 5 *l.* in connexion with his vote?—As false as possible.

3417. So far is it the fact that the absence of a man leads to very considerable inconvenience, unless you know of it, in your trade?—I do not know that it is in a miller's trade more than any other; I look at the principle of the thing; I have several men, and if a man absents himself without permission I discharge him.

3418. I believe you have also discharged Dunnage?—I discharged Dunnage for very gross neglect indeed.

3419. When was that?—Two months ago; I cannot say exactly.

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Examined by the *Committee.*

3420. Were you aware that this man Lee attended in pursuance of a Speaker's warrant, in order to give evidence?—I heard of it, but not from Lee himself. It was talked about among my men; my clerk and foreman. I heard that he had a Speaker's warrant. He came down on Saturday, at six o'clock, and told my foreman he should not be there, he was going to London. He never came to me, or anything of the kind, and never told my foreman why he was going.

3421. He told your foreman when?—He told my foreman at six o'clock on Saturday.

3422. Did you think it was requisite to ask permission when he was summoned to attend in a case of this kind?—I think decidedly he ought. He might have said, "I am required at the House of Commons;" he might have given a little notice of it; it was no more than a servant ought to do with his master.

3423. You say that you did not attempt to use any influence upon Dunnage at the time of the election, as to how he was to vote?—I do not think it occupied two minutes; at least, if I say a minute, I think I should be speaking within limit. I am quite sure I did not influence his vote in the least. I do not recollect taking an active part in the election.

3424. Do you think it is quite consistent to discharge a man who is summoned to give evidence in a matter where two parties are concerned in a case of this kind?—I think I was quite justified.

3425. I understood you to say that he gave you no notice; tell us exactly what he did?—He came down on Saturday morning at six o'clock.

3426. Came to the mill?—Yes; it is my usual time of paying the men, and he came to receive his money. He told my foreman, says he, "I shall not be here to day, I am going to the House of Commons."

3427. What could he have said more?—If he had told me of it as soon as he had received it.

3428. When did he receive it?—I cannot say. I suppose two or three days before Saturday.

3429. Lee is the person who was discharged on Saturday by reason of his having attended here to give evidence, without having asked his master's permission?—Exactly.

3430. Do you conceive that you had power to withhold your permission?—Oh, dear, no; not for a moment.

3431. You still think that the man, out of respect to you, ought not to have been satisfied with mentioning it to the foreman?—He did not mention it till Saturday morning, at six o'clock. He says, "I shall not be here to day; I am going to the House of Commons."

3432. And you concluded that he received the notice two or three days before?—I have no doubt he did.

3433-4. Mr. *Phinn.*] Did not you ascertain from him that he had not received the Speaker's warrant until the night before; did not he tell you so?—He did not.

Mr. *Phinn* stated that the witness Lee received his notice at 11 o'clock on Friday night.

3435. *Chairman* (to the *Witness.*)] I cannot help saying that it appears to me that if this man received the summons only on the Friday night, that the proceeding appears to be extremely harsh, if not something more. You having discharged him, because he received that notice, and attended, without doing more than giving your foreman the intimation of which you have spoken?—He never gave my foreman any intimation. He came down at six o'clock, and he says, "I am not coming here to day to work; I am going to the House of Commons."

3436. What more notification could you require, than that he had got an order to go to the House of Commons?—He might have come in a more respectful manner; he came in a manner not at all decent for a servant.

3437. Will you describe in what manner he came which was not decent for a servant?—He says, "I shall not be here to my work to day; I am going to the House of Commons."

3438. You were not there?—I was not there.

3439. Your foreman stated that he came in a disrespectful manner?—In a disrespectful manner.

3440. How

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3440. How long had Lee been in your service?—I should think two years, or more.

3441. Had he conducted himself properly during that time?—Yes; I had nothing to find fault with.

3442. Mr. *Phinn.*] Which way did you vote?—I voted for Hope and Scott.

3443. Mr. *Rodwell.*] I think you have already said that you took no part in the election?—No part.

3444. You did not canvass?—No.

Chairman.] The Committee desire me to express upon their part, to you, Mr. Parton, that they consider this proceeding to have been extremely harsh and unjustifiable, and it will be for the Committee by-and-by to consider whether it may not be their duty to report the matter to the House as a breach of privilege

Witness.] Very well, sir. I took my ground entirely as a master of several servants; I could not think of letting a man absent himself without permission. I think, if any gentleman looks at it in a business way, he certainly will see, at any rate, if I were to allow men to take such privileges, I do not know where I should be as a master.

3445-6. You are aware that the man has no will of his own; he is obliged to obey the summons?—If he had come and said, "Here is the warrant," I should have made no objection.

[The Witness was directed to withdraw.

Mr. *William Gilliam* was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. *W. Gilliam.*

3447. I BELIEVE you live at Maidstone?—I do.

3448. You are a farmer, I believe?—Yes.

3449. Do you know Henry Dunnage, who was formerly in Mr. Parton's employ?—Yes.

3450. Do you recollect canvassing him?—I do.

3451. How many days before the election was that?—I should think somewhere about five or six days before the election.

3452. What answer did he give you?—The answer that he gave, the direct answer was, that he would not vote at all for either of the four candidates we had got then.

3453. On the evening before the election did you again go to Dunnage?—I did.

3454. I believe, on that occasion, you were with Mr. Hope?—I was, on both occasions.

3455. After asking him for his vote, what did Dunnage say?—Dunnage said, that he really did not know what to do; he had been pressed by both parties to vote; he felt himself very much inclined to vote for Mr. Hope, after Mr. Hope had some conversation with him respecting the political questions of the day, and something of that sort, which I did not interfere with. Mr. Dunnage turned round and says, "Mr. Hope, I will vote for you and Mr. Lee; I will split my vote."

3456. Was anything said about the little assistance?—Before that word was mentioned he looked at me a little on one side, and said, he had a large family, and was very badly off. I said, "Dunnage," I said, "Mr. Hope's election, the Act of Parliament is so strict, that Mr. Hope and Captain Scott's election would depend upon it; I would not offer you." Then the last words was, "I would not give you a glass of beer for your vote; it would not be worth it."

3457. After he had stated that he would vote for Mr. Hope and Mr. Lee, was anything more said about his voting for Captain Scott?—Not a word; I never mentioned his name the second time I went a canvassing.

3458. That is all that passed upon that occasion?—Yes.

3459. The next morning, do you recollect seeing Dunnage again?—I saw him the next morning; the day of the election.

3460. Near the polling-booth?—Yes.

3461. Did he say anything to you then?—Yes; he said that he had been and voted.

3462. Did he tell you for whom?—He said, "I have altered my mind, sir; I only promised one for Mr. Hope; I have changed my mind; I have given one

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for Mr. Hope, and one for Mr. Scott;" I said "I thank you for Mr. Hope, and also for Captain Scott, for your vote."

3463. From that time until about three weeks ago did you see anything of Dunnage?—Three weeks or a month ago.

3464. When you saw Dunnage upon that occasion what passed, and where was it?—I met him in Maidstone one evening; I was returning from my farm about eight o'clock, I believe, and met him; I said, "How do you do, Dunnage?" He said "How do you do, sir?" He said, "I called at your house the other evening; I have been in London for a month," he says; "I merely called to ask for a little assistance," or to let him have a little assistance; I do not know which it was; one or the other.

3465. What did you say?—He says, "This petition going on sir, I would not think of calling on you again; I would not ask you for anything, because," he says, "if they was to get hold of it, they might say that it was bribery." I said "No, Dunnage, I would not lend my hand to give you a glass of beer no more now, than I would at the time of the election."

3466. Did you at any time, either upon this occasion, or any other occasion, tell Dunnage that he should have 5*l.* for his vote, or directly or indirectly do anything to induce him to give his vote for money?—Not in the least.

3467. Had you any conversation with regard to giving him assistance, or anything else, except the conversation you have just now mentioned to us, when he spoke to you?—Not the least whatever.

3468. Did you ever tell Dunnage that you hoped the petition would be withdrawn, and that he should be squared off with?—Nothing of the sort; I told him in conversation in Union-street, where people were passing and repassing; I said, "Good night, Dunnage; I regret that this petition should ever be brought forward;" he said himself he did not think they had got a case; he says, "I have heard of a case, I am a man that is about a good deal; I must have heard of it; I have heard of one in a secret." I said, "If you can sift it out and let me know, I shall be obliged to you."

3469. Did you hear Mr. Hope say anything to him with regard to money, or with regard to assistance, if he voted for him?—No, not a fraction.

Cross-examined by Mr. *Phinn.*

3470. Did you say if he voted for Mr. Hope he would not regret it?—No.

3471. Nothing like that?—Certainly not.

3472. There is no great harm if you did?—Certainly not; if I had said so I would repeat it.

3473. You had been canvassing a good deal with Mr. Hope, had you not?—I had.

3474. Are you a member of what is called the Constitutional Society?—Yes.

3475. How long have you been a member of that?—I do not know; I think I used to go into the Constitutional Society about a couple of years before I was a member; perhaps two years.

3476. You have been a member, perhaps two years?—Perhaps I have; perhaps more; I cannot say exactly.

3477. Were you on any committee at the election?—No.

3478. Was there a committee?—I never knew of one.

3479. Never heard of any committee of Messrs. Hope and Scott?—We had a ward committee.

3480. Were you a member of the ward committee?—I am a member of the Constitutional Society, and we hold our meetings in wards.

5481. What ward are you in?—King-street Ward.

3482. Did the same committee that manages the municipal elections for that ward, sit during the Members' election?—Generally they do.

3483. Did they meet on this occasion?—I am not positive as to that.

3484. Are you a member of the committee?—I am a member of the committee.

3485. Where does it meet?—King-street.

3486. In whose house?—It is the Bell.

3487. The Bell Hotel; is that Mr. Isaacs' Hotel?—Yes.

3488. Where

3488. Where did you meet there?—It was in a front room, where we generally hold our meetings.

3489. Did Mr. Hope come there sometimes?—Mr. Hope was there.

3490. More than once, to your knowledge?—Yes.

3491. Will you be good enough to tell us who the members of that committee were, or any of them?—The ward committee.

3492. That meet at the Bell?—It is a ward committee; it is not a committee for the election.

3493. Were there a body of gentlemen meeting at the Bell during the last election?—I never knew a body of gentlemen meeting; we had no election committee.

3494. Did the old ward committee meet at the Bell during the election?—Yes, at times.

3495. Did it meet three times a week?—I cannot say that it did.

3496. Can you say that it did not?—I am not aware.

3497. Were not you a member of it?—Yes, I was a member of it.

3498. Did not you constantly go to the Bell upon the business of the election for a fortnight previous to the election?—I used to go to give my returns.

3499. To whom?—Mr. Pearson.

3500. Is that Mr. Pearson we have heard of as the election agent?—Yes, that is hm.

3501. Mr. Robert Pearson?—Yes.

3502. What returns did you give him?—Merely returns of the canvass.

3503. Did you canvass actively?—I was canvassing for several days.

3504. Did other gentlemen that you know canvass and take their returns to Mr. Pearson at the Bell?—Yes.

3505. Did Mr. Pearson sit in the room where the ward committee used to meet?—That I cannot say.

3506. But you saw Mr. Pearson?—I saw Mr. Pearson, if there was a ward committee meeting; I did not always attend those ward committee meetings.

3507. When did you see Mr. Pearson?—He had a room. When he took this room, I have gone in sometimes in the afternoon, and sometimes in the morning.

3508. Was that the room where the King-street ward committee met that you used to go to?—Yes, the same room.

3509. Were there books and papers relative to the election about the room?—Oh, yes.

3510. Did you go with Mr. Hope after your canvass, to report the result of the canvass into that room?—I did.

3511. With Mr. Hope?—Yes, with Mr. Hope.

3512. Be good enough to tell us how often do you think you went out canvassing with Mr. Hope?—I am sure I cannot say; perhaps eight or nine days; it might be a day or two more, or a day or two less.

3513. Whether you got a vote, or whether Mr. Hope succeeded in getting a vote, you booked it?—Yes; I used to put it upon a slip of paper.

3514. And you took a return to Mr. Pearson?—Yes.

3515. Did Mr. Hope compare his return with yours, when you went in to Mr. Pearson?—Mr. Hope never tooke a return.

3516. Did not he take a note of the persons he asked?—No.

3517. Who was with Mr. Hope, besides yourself, on the occasions that you canvassed?—It depended entirely upon what ward we were going to canvass.

3518. Do you know Mr. Joslen?—I do.

3519. Did he go with you sometimes?—I saw him very little on the canvass.

3520. Did you see him on the canvass?—Yes.

3521. You told us just now that you saw very little?—I was not aware whether I saw him or not; they were canvassing two or three days when I was in London, before I went down to Maidstone.

3522. Do you know Mr. Marley?—I did not know him until I saw him here in London.

3523. Do you know Mr. Goodwin, the solicitor?—I do.

3524. Did you see him on the canvass sometimes?—I did.

3525. Frequently?—Not very often.

3526. Did you see Mr. Goodwin at this room at the Bell sometimes?—Yes, I met him there.

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3527. Did you see him take in his returns to Mr. Pearson?—I do not think I ever saw him make any returns.

3528. Sometimes, I suppose, you have been with Mr. Pearson, and half a dozen gentlemen were talking about the election in this room?—Sometimes there has been half a dozen; I have gone in to Mr. Pearson when there was no one there.

3529. Have you found Mr. Goodwin there?—I would not say that I found Mr. Goodwin there.

3530. Did you go in with him?—I cannot say positively whether I have or have not.

3531. Do you know Mr. Benjamin Ruck?—I do.

3532. What is he?—He is a builder.

3533. Where does he live?—He lives in Faith's Green.

3534. What ward is that in?—In the High-street ward.

3535. Do you remember his canvassing High-street ward with you?—I never saw him on the canvass.

3536. Have you seen him at the Bell?—I never saw him at the Bell in my recollection.

3537. Not in your recollection?—No.

3538. Do you know Mr. Atkins, the paper-maker?—I do not.

3539. Do you know Tovill?—Yes.

3540. Did you go with Messrs. Hope and Scott to Tovill?—I did.

3541. Do you remember Mr. Atkins, the paper-maker, showing you the voters; canvassing Tovill with you?—No; I went with Mr. Hope to Toxill; I did not go with the bills, only one, that was a man of the name of Green; I was outside.

3542. Did Atkins show you the voters?—No.

3543. Did Mr. Hope?—No, he did not; I do not know the Tovill people.

3544. Do you know a man called Steevy Doe?—Yes.

3545. What is he?—A butcher.

3546. He was one of your partisans and an active man, was not he?—No; positively not.

3547. Do you know all the Maidstone people pretty well?—No; I do not; I know that I deal with him sometimes.

3548. There are two Does; John Doe the butcher, and Stephen Doe?—There are five or six Does at Maidstone.

3549. Do you know a man named Charles Baker?—I do.

3550. What is he?—He is a cooper.

3551. Did you see him sometimes at the Bell?—Never.

3552. You do not recollect seeing him there at all?—No; he never was on the canvass.

3553. As far as you know?—As far as I know; I am only speaking of the time I was on.

3554. Whilst you were in Maidstone, did he go with Messrs. Hope and Scott?—He never was on the canvass while I was on the canvass, which was every day, little or much.

3555. You each went to the locality which you knew best?—Yes.

3556. Tell me something about this Constitutional Society, is there a committee?—They meet once in a month.

3557. Is that a meeting of the committee of the general body?—The general body meets once a month.

3558. Is there a committee of management?—Well I am sure I do not know; I am not a committee man; I am only a member; I have never gone into the groundwork of the Constitutional Society.

3559. Who is the secretary?—Mr. Pearson.

3660. Has he been so for a long time?—No.

3661. Some time?—Perhaps seven, eight or ten months, it may be a little more or a little less.

3662. A number of the members of the Constitutional Society in each ward, I believe, form the committee of the ward do they not?—Of the wards.

3563. When the committee have completed their canvass, they report to the agent, Mr. Pearson, is that so; canvassing for the voters?—Yes.

3564. Who assisted Mr. Pearson at the central committee; is there any one assisting him. Is there a central committee?—We had no central committee, at least we never had one at this last election.

3565. Was

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3565. Was nobody managing but Mr. Pearson?—Mr. Pearson was the only one; he was Mr. Hope's agent.

3566. Was there no body of gentlemen meeting at the Bell, assisting Mr. Pearson?—Not as a committee.

3597. They will smell as sweet by any other name; were there some gentlemen assembled?—I have seen gentlemen go in and out, and give their returns.

3568. They met to discuss the prospect of the election?—I do not think we did; we met once or twice.

3569. Do you really mean to tell the Committee that there was no central body at the Bell with whom the district committees corresponded, and who managed the election; you shall not call them a committee if you do not like?—I cannot speak positively; I was not at the Bell in the evening; I have gone in three or four days together, and given my returns; I have not attended any meeting there.

Re-examined by Mr. *Venables.*

3570. When you were going to canvass, was it the practice for any person who chose to join a party canvassing?—I never saw any person asked to join; any person took to the canvass that liked.

3571. Anybody came that chose?—Anybody. I was not asked to take up the canvass.

3572. These ward committees are permanent bodies, and you do not appoint new ones when the borough election comes on?—They are called ward committees.

3573. There is always a ward committee, whether there is an election or not?—Yes, always a ward committee.

[The Witness was directed to withdraw.

Stephen Doe was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

Stephen Doe.

3574. ARE you a butcher at Maidstone?—Yes.

3575. Do you know Thomas Orford?—Yes; I have known him all my life time.

3576. You have known him all your life?—Yes, leastways I have known him from a child.

3577. Are you on familiar terms with him?—Yes, always was; nobody more so in the town of Maidstone.

3578. At the time of the election he was an assistant to your brother, John Doe?—He was.

3579. Do you remember, during the time of the canvass, Orford passing you in his cart?—Yes.

3580. Did you call to him, and say anything?—I see him in the cart, and I says, "Tommy, how are you going to vote," in a joke, as I was on familiar terms with him, we may say, from children, when he worked at Holls, and used to come down in the slaughter-house four years with me.

3581. What did you say to him?—I says, "Tommy, are you going to vote?"

3582. What did he say?—He says, "Blue."

3583. What did you reply to that?—I says, "Are you going our way;" and he says, "No." I says, "You want 10 *l.*," something like that; "No," he says, "I shall go Blue;" and away he went.

3584. Do you remember on another occasion meeting him in Week-street?—I was at my uncle's shop in Week-street, standing there; up he came; he says, "Holloa, Steevy, how goes it now?" or something to that effect, as nigh as I can state, as we always was friends together, and all like that, butchers together. "Oh!" I says, "I dare say all right," I says.

3585. Was anything said then about 10 *l.*, or any other sum?—He says, "How about markets?" I understood that; I says, says I, "Will you have 10 *l.* now," something like that, or I will give you 10 *l.*, I says; he says, "Well, give it us then;" I says, "I will see you damned first," butcher like, you know; you know what I means, gentlemen; he says, "Then you are a damned fool," and away he went; he called me a damned fool.

3586. Do you recollect, when the election was over, Orford coming to your shop?—

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shop?—Yes; I was going to tell you, after the election was over, he rode round my shop. I have been in the habit of dealing with my brother, and he has been in the habit of coming to my shop, bringing my meat; mind you, I am in business, and my mother supplies my shop.

3587. Orford is in the habit of coming to your shop?—I say, what mother does not supply me, I had at my brother's; my mother and brother supplies my shop.

Chairman.] Answer the questions which are put to you distinctly.

3588. Mr. *Venables.*] Do you remember Orford coming to your shop?—I was going to tell you.

3589. Do you remember Orford coming to your shop?—He is in the habit of coming to my shop, I said, sometimes when he has brought meat to me.

3590. Tell me, in as few words as you can, whether he came to your shop after the election?—When he came to my shop, "Steevy," he says, says he, "did you mean what you said about the election?" or something; "Why," I says, "Tommy, you must be a fool; where do you think I had got any money; I have nothing to do with money."

3591. Then he went away?—That was all, and he went away.

3592. In any of these conversations did you ever think of giving him 10 *l.*, or anything else?—No.

3593. Did he ever think you did?—Not if he speaks the truth.

3594. Did he ever at that time think you meant to give him anything?—No.

3595. Did he from first to last understand it was all a joke?—I should think so.

3596. You meant that it was all a joke?—Yes.

Cross-examined by Mr. *Phinn.*

3597. You thought there was some money flying?—No, I did not interfere at all about it; I had nothing to do with the election.

3598. How came you to talk about 10 *l.*?—It was a joke; knowing the young fellow all my life-time, he and I being in the slaughter-house where I worked for four years at Hall's, and throwed blood at him, and had such larks as that; I have had larks with him many a time.

3599. How came it that your lark took this direction about the 10 *l.*?—I only merely put it to him; just chaff like that.

3600. Did you promise to give him a bit of paper, that he might come on Monday?—No.

3601. Your chaff did not go so far as that?—No; I promised nothing of the sort.

3602. Are you a member of the Constitutional Society?—I had my name put down.

3603. Did you go there to get some drink?—No.

3604. Never?—I have been down there.

3605. And drank and smoked there?—At my own expense; I have been there-about perhaps, since the Constitutional has been opened, perhaps four times; I cannot say exactly, but not in the habit of going; I have not been nigh, I do not think, these 12 months.

3606. Have you been canvassing at all?—No.

3607. What made you say to him about this 10 *l.*; what put that into your head?—I am sure I do not know.

3608. Did you ever get 10 *l.* for your vote yourself?—No; and never would, that is another thing.

3609. You never heard of such a thing in Maidstone?—I have got my father's blood in me; he has voted for the borough of Maidstone and the county, and he never had hardly one breakfast, I think.

3610. How was it that 10 *l.* came into your head?—How do things come into people's heads.

3611. That is a common inquiry at Maidstone?—You may say how does my meat turn green in my shop; it does turn green.

3612. You have never had anything for your vote yourself?—Never in my life.

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3613. What made you say about the 10 *l.*; had you heard that the Blue party was giving 10 *l.*?—No.

3614. Had you heard that anybody was giving 10 *l.*?—No; I told you I never interfered.

3615. You cannot tell how that came into your head?—No.

Examined, by the *Committee.*

3616. Have you a vote?—Yes.

3617. How did you vote?—Hope and Scott.

3618. How did Orford vote?—I am sure I do not know, only when I looked in the poll-book.

3619. It is quite untrue that you seriously offered him any money, or promised him anything for his vote?—I never offered him no money.

[The Witness was directed to withdraw.

[The Committee adjourned to To-morrow, at Eleven o'clock.

Mercurii, 8° die Julii, 1857.

The Names of the Members were called over; all present.

Mr. *Thomas Goodwin* was called in; and, having been sworn, was Examined by Mr. Serjeant *Pigott,* as follows:

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3620. ARE you a solicitor, and do you practise at Maidstone?—Yes.

3621. How long have you practised at Maidstone as a solicitor?—Rather more than four years.

3622. I believe you are a member of the King-street Ward committee of the Constitutional Society?—I am.

3623. Does that society hold its meetings, or did it rather hold its meetings frequently before the election?—It did.

3624. And some of which you attended, I suppose?—I did.

3625. Did you leave one of those meetings, and go to the Duke of Marlborough Inn upon the evening of the nomination?—That meeting was nearly over when I did; I left the room, and went to the Duke of Marlborough.

3626. You left the room where the meeting was held; about what time did you get to the Duke of Marlborough?—I think it was between 11 and 12.

3627. I think you were accompanied, or you met there a Mr. John Argles; you met Mr. Argles, did not you, at the Marlborough?—Yes; but I do not think he left with me.

3628. You saw him at the Duke of Marlborough?—Yes.

3629. What is Mr. Argles?—He is a chemist.

3630. In the town?—Yes.

3631. Do you remember going into a small room behind the bar at the Duke of Marlborough?—I do; I left the Bell with Mr. Gilliam.

3632. Mr. Gilliam went with you from the Bell to the Duke of Marlborough, and when you got there you met Mr. John Argles; and you say you went into the small room within the bar?—Yes; I cannot tell you positively whether Mr. Argles was there when we went in or not.

3633. But you did see him?—Yes.

3634. You say you were in the small room behind the bar; were you taking a glass of grog of some kind?—I had a glass of some kind; I cannot tell you what.

3635. Did the landlord come in, and say that somebody wanted to speak with you?—Yes.

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3636. Upon that, did you go into the inner bar, as it is called?—I did; I went out; I cannot state positively whether he said Sturgis wanted to see me before I went out of the room or not; I think he did; I think I did not want to go; at all events, I did go very shortly afterwards; Sturgis was there.

3637. He told you that Sturgis or somebody wanted to see you; when you went, did you find Sturgis there?—I did.

3638. Had you known Sturgis before?—I had not known much of him; I knew the man.

3639. What did Sturgis say to you about his intention of voting?—He told me he was going to vote for Messrs. Hope and Scott, and before that, I had heard he was going to.

3640. I want to bring you to the conversation. What took place between you and Sturgis?—I could see his object was to get money.

3641. What did he say?—I think he suggested if I could get 5*l.* for him, he should be very much pleased.

3642. This was in the inner bar?—He told me his circumstances were bad; it was so.

3643. And I think you said he also told you he was going to vote for Messrs. Hope and Scott?—He did.

3644. What did you say to his proposal about the 5*l.*?—I told him that if our election depended upon his vote, I would not do anything of the sort.

3645. Did he talk any more?—Yes, he had some little conversation; he told me about his family; that he was in reduced circumstances; in fact that he was badly off; I had known a little of him before, but not much.

3646. Did he say anything about having been to Mr. Randall?—Yes; he said he had seen Mr. Randall, and he wanted him to vote for the Blues.

3647. Did you leave him for a moment or two?—I did; I think I went out into the street for a purpose.

3648. Then you returned, did you?—I returned; I found out Mr. Wells was there when I returned; whether he was there when I went out of the room, I do not know; I cannot call to mind. I do not recollect seeing Sturgis anywhere; but seeing Mr. Wells there, I went in to him.

3649. What Mr. Randall was it you alluded to when you say he had been to Mr. Randall, and he wanted him to vote Blue; there are two Mr. Randalls?—Not Mr. Randall the banker; Randall that keeps the New Inn.

3650. I suppose it was somebody that was Blue himself?—Yes.

3651. You say you saw Mr. Wells when you came back; you saw Mr. Wells; you do not recollect whether you saw him when you left; you know he was there when you returned?—Yes.

3652. What happened?—I went into the room; it is not a room; it is a place about as big again as this table, I suppose, shut off from the other part of the bar.

3653. A little inner bar?—Yes. Seeing Wells there, I went in to Sturgis again; I should not have done so, but I saw him; they said he had been in there two or three minutes, and Wells pushed violently through the door; in fact, with his whole force; he need not have done that, he could come in if he liked.

3654. Nobody was holding the door?—Nobody was holding the door; I put out my hand when he was pushing so hard. I was irritated, and I requested him to walk out, and he did so; I think I also told him I had a great mind to hit him, punch his head.

3655. We need not go into the by-play?—He stated that; it is quite true what he stated.

3656. I believe your impression was, that Wells wished to get Sturgis away from you?—Not at that time; he talked to him in a way, when he was standing in the bar, as if he wished him to vote for the Blues.

3657. During that time you had not that impression, at the time when the push came, and so on?—No.

3658. Do you remember subsequently going to and taking Sturgis with you from this place?—Yes; I waited three-quarters of an hour; several came in to that inn; Mr. Randall came in.

3659. Was Sturgis rather the worse for drink?—Yes, he was; in fact when he left he was very drunk.

3660. When he left the Duke of Marlborough?—Yes.

3661. Did you ask Sturgis to go with you to the Tuns, or how came it that you

you and he went off to the Tuns together?—I did; I wanted him to get away from where he was; there were three or four Blues there surrounding him.

3662. You asked him to go with you to the Tuns?—Yes; to speak the truth, I do not know that I mentioned the Tuns then.

3663. And did you set out from the Duke of Marlborough with him?—Yes.

3664. How did you walk, you and he; tell me whether there was anybody else with you or not?—Mr. Charles Baker went out of the door at the same time that I did; I beckoned to him.

3665. Had you hold of Sturgis?—I cannot tell you exactly when I went out of the door; we had immediately afterwards; I think I was with Mr. Baker.

3666. Do you recollect whether anybody walked on the other side of him?—I do.

3667. Who walked on the other side?—Mr. Argles.

3668. Was Mr. Featherstone also in company with you?—He was.

3669. Did you all go to the Duke of Marlborough about the same time?—We did.

3670. Did you walk on in that way to the Tuns?—We did.

3671. Could Argles have heard anything you said to Sturgis?—Must have heard it. Mr. Baker had hold of the other arm; I had hold of Sturgis's arm, and Mr. Baker had hold of my arm.

3672. You were walking between Sturgis and Baker, and Sturgis was walking between you and Argles; you were all abreast?—We were.

3673. That way you walked to the Tuns?—Yes.

3674. Was anything said about giving him anything for his vote, or anything of that kind?—Nothing.

3675. Did you say anything to that effect, "If you vote for us, I will give you 15*l.* or 20*l.*"?—I did not.

3676. Or anything to that effect?—Nor anything of the sort.

3677. Did any conversation take place about the vote, or anything being given for it?—Nothing, to my recollection. I believe he said something about——; he was speaking disparagingly of the Blues.

3678. Was that as you went along?—Yes; I think so.

3679. How far is it from the Duke of Marlborough to the Tuns?—One hundred and fifty yards perhaps, perhaps rather more.

3680. Did you treat Sturgis to anything at the Marlborough?—I do not believe I did.

3681. Or at the Tuns?—No, nor at the Tuns.

3682. Did you see him afterwards until after he had polled?—I did not.

3683. After you left him at the Tuns?—Yes.

3684. How long were you with him at the Tuns?—A very short time; a few minutes only. I think I stated going from the Duke of Marlborough to the Tuns; I believe, and confidently believe, we were in the same position all the way from the Marlborough to the Tuns.

3685. By the *Committee*.] You state that confidently?—Yes; I should be sorry to state anything otherwise.

3686. Mr. Serjeant *Pigott*.] I believe you went canvassing upon two or three half days?—I did on some few occasions; upon two or three half days.

3687. Was that all that you had to do in the election?—That is all. I went and saw two or three voters, at least one voter with Mr. Hope; I may mention that I saw Sturgis after he had voted; I think it was past three o'clock—between three and four o'clock. He said something to me to the effect that he was in a dreadful state when I left him last night—meaning that he was tipsy; he was in the committee-room of the King-street ward. That was all he said, and I never had seen or heard from him until——

3688. He never made any application to you?—Never.

3689. For any money since, or anything of that sort?—No.

Cross-examined by Mr. *Phinn*.

3690. WHAT made you take him to the Tuns?—He said he was going to vote for Hope and Scott, and there had been three or four Blues talking to him; in fact I thought they would get him away.

3691. What made you select the Tuns?—I do not know that we selected the Tuns; the Tuns was a Purple house.

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3692. Was Ottaway a Purple too?—Yes.

3693. Did you select the Tuns, as being a purple house, for him to pass the night in?—I did not select it for that purpose; I wanted him to get away from where the Blues were.

3694. Did you leave him at the Tuns?—I did.

3695. How long did you stay before you left him?—A few minutes only; a quarter of an hour, perhaps.

3696. Do you recollect at what time of the evening or morning it was when you left him?—It would be, after we left the Marlborough, I think, about one, or half-past one—from one to two.

3697. Did you see Ottaway, the landlord?—I think I did; I will not speak confidently; not before I left him.

3698. Just be careful of this; did you see Ottaway, the landlord, on the night or the morning; we will call it the morning that you left him at the Tuns?—I saw Ottaway several times after I left him.

3699. That is, the next day?—No, that morning or night.

3700. Did you stay up all night?—I was there an hour or two afterwards.

3701. Were you an hour or two in the Tuns?—Yes.

3702. Did you leave him up-stairs or down?—Up-stairs.

3703. Did you go up-stairs?—I did.

3704. Into what sort of a room?—A common room, a sitting-room.

3705. Was it a private room?—It was a sitting-room.

3706. Was it a private room; was it a room used by the ordinary people that go in to drink, or was it known as a private room in a house of entertainment?—If I had gone in on another occasion, I should have called it a private room.

3707. So you did take him into what you would have called on another occasion a private room?—We took him there because there was no room in the bar.

3708. You took him up-stairs there?—I did.

3709. Did you call for a glass of wine?—I did not.

3710. Did you have a glass of wine yourself?—No.

3711. Are you sure?—Yes.

3712. How long did you stay in the private room?—A very short time.

3713. Did anybody accompany you up-stairs?—Yes.

3714. Who?—Mr. Baker, I think, and Mr. Argles.

3715. Did you put him in there, and lock him up, or what?—No.

3716. You left him in the private room?—Yes.

3717. Did you take away his coat?—No, I did not.

3718. Did you see his coat taken away?—No.

3719. You left him there; was there a sofa there?—I believe there was.

3720. Did you see him fast asleep upon the sofa?—I am not confident.

3721. You meant him to pass the night there, I suppose?—I did not care where he passed the night.

3722. That was your intention, was it?—I did not want the Blues to get hold of him; I did not care where he passed the night, so that he did not pass it with them.

3723. Was it your intention that he should pass the night at the Tuns, so that the Blues should not get hold of him?—Well, I did not care where he passed the night, so that he did not pass the night with them.

3724. When you took him to the Tuns, was it your intention that he should stay there for the night, so that the Blues should not get hold of him?—I cannot tell you now what my intention was with regard to that; I can only tell you this, it was to get him away from the Blues.

3725. Was it your intention that he should pass the night at the Tuns when you took him there?—I can tell you that my intention was that he should not be with the Blues.

3726. You can tell the Committee more than that?—I cannot tell; I should not have minded his being at any other house, so that he was not with the Blues.

3727. Did you give Ottaway instructions to take care of him?—I cannot tell whether I did so or not; I might have told him not to let the Blues get hold of him.

3728. Did you tell him so?—I cannot say.

3729. Did

3729. Did you tell him to take care of him, and see that he wanted for nothing?—No, I do not think I did, I am sure.

3730. Who was to pay for his being there that night?—I do not know.

3731. Did you speak to Ottaway about his entertainment?—No.

3732. Is Ottaway here?—He is.

3733. I ask you, did not you tell Ottaway to take care of the man, and supply him with what he wanted?—No.

3734. You did not?—No.

3735. Did you stay there most of the night?—No; I was there an hour or two.

3736. Before you left, did you give any direction as to Sturgis?—I do not think I did; I am sure I did not.

3737. You are quite certain?—Yes.

3738. Did you ascertain that he was safe up-stairs before you left?—I do not remember that I did.

3739. Did you leave anybody to take care of him?—I think Featherstone was in the room with him.

3740. Did you leave Featherstone with him in the room when you went away?—I think there were three or four of us in the room together; whether Featherstone was there, or whether there were others ——

3741. I am asking you about the up-stairs room; you left Sturgis in the up-stairs room; I ask you when you left the room whether anybody was there with Sturgis?—I think Featherstone was there.

3742. Are you sure?—Well, I am pretty sure that he was.

3743. Did you go back the next morning to the Tuns?—I called at the Tuns the next morning.

3744. To look for Sturgis?—Well, I asked if Sturgis was there.

3745. What time of the morning was that?—It must have been between nine and 10 o'clock, perhaps.

3746. Did you find him there?—No.

3747. Did you blame Ottaway for letting him go without your knowledge?—I do not think I did.

3748. Are you sure that you did not?—I do not believe I did.

3749. You say that on the way to the Tuns you four walked arm-in-arm; did you go down a street called Church-street?—Yes.

3750. Are you prepared to swear that you did not walk with him, and the other two gentlemen followed close behind you?—I do not believe I did; in fact I feel confident that I did not.

3751. What makes you say so, that you feel confident you did not? When was it called to your attention that you were said to have been walking arm-in-arm?—After I had heard Sturgis's evidence the other day; I told the solicitor what I have stated here to-day to you.

3752. Were you in the room when Sturgis gave his evidence?—I heard afterwards the evidence that he had stated, and I told Mr. Martineau the same as I have stated here to-day.

3753. Was that the first time your attention had been called to it?—To what?

3754. To the fact that had been alleged, that you had been walking arm-in-arm with Sturgis; was that the first time you heard of it?—I never denied that I had been walking arm-in-arm with Sturgis.

3755. Was that the first time your attention since the election had been called to that incident?—It was.

3756. Do not you know that soon after the election it was alleged that you had bribed Sturgis?—I heard that Sturgis was one of the men who was said to have been bribed.

3757. Did not you know that you were said to have bribed him?—No, I did not know that.

3758. Are you sure of that?—No.

3759. When did you first hear of it?—I heard it in the committee-room; I imagined I might be brought into the matter in consequence of being seen with Sturgis that night.

3760. Did you expect to find Sturgis when you went down to the Duke of Marlborough?—I thought perhaps he might be there.

 3761. Was

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3761. Was news brought up to your committee-room that he was there?—I had not been at the committee-room before I went to the Duke of Marlborough.

3762. I thought you told us you went to the committee-room, and went down to the Duke of Marlborough; had you been at what is called the district committee-room?—Are you speaking of the night before the election, or the morning; will you repeat your question?

3763. Did you not tell my learned friend that you had been to the district committee-room on the night that you went down to see Sturgis?—I had been.

3764. Was news brought up to that committee-room that Sturgis was down at the Duke of Marlborough?—No, not to my knowledge; I never heard when I went to the Duke of Marlborough; I never knew that Sturgis was there.

3765. Did you expect to find him there?—I did not; I think you are speaking of the Tuns, in the morning.

3766. No I am not. When you went down to the Duke of Marlborough, did you expect to find Sturgis; that is my question?—It is up from the Bell.

3767. When you went up to the Duke of Marlborough, did you expect to find Sturgis there?—No; the first time I expected to find Sturgis was when Clifford, the landlord, came and said he was there.

3768. Told you that he was in the Duke of Marlborough?—I had heard that he had promised to vote for Messrs. Hope and Scott when I went to the Duke of Marlborough.

3769. When you saw him what first passed between you?—When I saw him he said he was going to vote for Messrs. Hope and Scott, and if I could assist him in any way, he should be very glad.

3770. Was that the first word or not?—I cannot say whether it was the first word or not.

3771. Did he say anything about 5*l.*?—He said 5*l.* would be of very great use to him; would I get it for him.

3772. Was that in the presence of anybody else?—When I first saw him.

3773. Where?—In this little place I have been speaking of.

3774. Do you represent that you had not seen him before you saw him in this little place?—I was called out of the room to see him.

3775. Was that the first time?—No, not in this little place; I think he was in the front of the bar.

3776. Was not the place thronged with people; was not he standing in front of the bar with a lot of people round him?—No.

3777. Was the landlord there?—I called him up.

3778. When did you see him; was the landlord present?—He was present; I went out of the room.

3779. With the landlord?—Yes.

3780. Then the landlord heard the conversation, whatever it was?—No, he did not.

3781. How was it he did not hear it?—We were speaking together; the landlord was not there.

3782. How near was the landlord?—I do not know.

3783. Do I understand the first conversation was not in the little room?—It was in the little room behind the bar, the small place; I was in there, and the landlord came in, and said some one wanted to see me. I think he mentioned the name of Sturgis, and I went out and saw Sturgis in this outer bar. I asked him what he wanted, and I said "Come in here," and we went in.

3784. You took him into the little bar?—I do not know whether he took me, or I went in.

3785. You were closeted together?—Yes; we were closeted together, if you like.

3786. Do you recollect that he said he should like 5*l.* as soon as the election was over?—He should like 5*l.*?

3787. Just give me your answer; what did you say?—I told him if our election depended upon his vote, I would not give it to him.

3788. Did you part then?—No; we stayed a few minutes.

3789. Till Mr. Wells came?—No; I went out of that little bar; I think I went out round the corner, you may imagine what for; whether Wells was there or not when I went I will not say; he was there when I came back.

3790. Why did you go back?—I was not ashamed of being with Sturgis; except

except Wells being there, I should not have gone to see him; I thought I would go there because Wells was there.

3791. Was Mr. Gilliam present?—Yes, in the little room from which I had come to see Sturgis.

3792. Had he walked down from the Bell, too?—He had walked up there.

3793. He had walked up there, with you, from the Bell?—Yes.

3794. Did he hear what passed between you and Sturgis?—I do not think he could.

3795. Are you quite sure that Sturgis did not repeat his request for assistance as you were walking along?—I am certain of it.

3796. What means have you for being so certain?—I feel an inward conviction of it.

3797. Did Wells complain of your interference with Sturgis?—He pushed the door to, ready to break it, in a very insulting way.

3798. When he came did he complain that you were interfering with Sturgis?—He did not complain; he said he wanted to see what was up.

3799. Did not he say, "You are trying to get away one of our voters from us"?—I do not think he did use that expression. I was very much irritated by his knocking the door in in that way.

3800. I suppose you fancied he wanted to get Sturgis, and you determined that he should not have him?—I did not want him to have him.

3801. You have been a member of the Constitutional Society for some time?—I have.

3802. How long?—Three years, I should think.

3803. Can you tell us; are its affairs managed by a committee?—I believe so; I really do not know; I am not one of the committee; I think there is a committee.

3804. Can you tell us any one that you think is a member of that committee?—I really do not know the members of the committee; Mr. George Wickham is one, I think, and Mr. Wimble is one.

3805. Do you contribute to the funds; is there any contribution?—I do.

3806. Is there an annual contribution?—Yes.

3807. What is the amount?—I pay a guinea.

3808. A guinea a year?—Yes.

3809. Do the members contribute?—Many of them do.

3810. I mean the members for the borough?—I do not know. The members were blues until the last time; I do not think they contributed.

3811. When they are not blues, then they are purpies, and assume a deeper hue?—I cannot tell you.

3812. I think we have heard that the Constitutional Society, the members of it, for the purposes of the different wards, are divided into district committees?—Yes, they are; there is a committee in each ward.

3813. You are a member of the King-street ward committee?—Yes; I have told you so.

3814. That committee manages, does not it, not only the municipal, but the general elections—the Parliamentary elections?—I cannot say.

3815. But it canvasses?—The committees were formed for the purposes of the municipal elections.

3816. Being formed for the municipal elections, do they not continue their action for the Parliamentary elections?—I do not know that you would call them a Parliamentary committee.

3817. No; you are very much afraid of the word. Whatever the name is, is the name changed at the Parliamentary elections?—No, the name is not changed.

3818. Do the same gentlemen meet?—There are a great many more meet generally at Parliamentary elections than at ordinary times.

3819. Do you add to the numbers of the committee, or is there a larger attendance?—I think a great many, not on the committee for municipal purposes, attend at the time of Parliamentary elections; at all events, there are a great many more always in the room.

3820. Is the district meeting held in the same rooms for Parliamentary elections as for municipal elections?—The very rooms.

3821. At the very rooms for municipal purposes?—Yes.

3822. Do they hold them alternately at the houses of publicans favourable to them?—They do.

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3823. Do they do the same at Parliamentary elections?—We generally hold them at the Bell; that was for the purpose of the King-street ward.

3824. It was a meeting of the King-street ward committee?—The King-street ward met there; I will not state the committee; a great many more met at the Bell than at those other houses.

3825. Do you meet for municipal purposes at the Bell?—We only meet to look after our own ward; we do not interfere with other wards.

3826. At the Bell?—At the Bell.

3827. Who paid for the room at the municipal elections?—I do not know.

3828. Who paid for the room at the general elections?—I do not know that.

3829. Has each ward funds?—That I do not know.

3830. Has each ward a secretary?—They have now.

3831. Had they at the time of the election?—They had at the time of the election.

3832. Who is the secretary of the King-street ward?—Mr. Pearson.

3833. When you canvassed, did you return the names of those you succeeded in obtaining to the members of this meeting at the King-street ward?—I had nothing to do with the returns.

3834. Did you communicate what voters you had secured?—I do not know that I secured any voters; I went canvassing with them, but I saw very few voters myself.

3835. Do you recollect going up to Wateringbury with Mr. Hope?—No.

3836. Did not you go out to Wateringbury with Mr. Hope?—No.

3837. Are you sure of that?—I am certain of it.

3838. Where did you go with Mr. Hope?—I did not go out of the town with him.

3839. Did you canvass in the King-street ward with Mr. Hope?—I think I did in the King-street ward, a very short time only.

3840. Did Mr. Hope come to the room at the Bell sometimes?—I do not recollect seeing him.

3841. Are you sure of that?—No, I am not; he might have come.

3842. He might have come without your seeing him. Did you see Captain Scott there?—I do not recollect.

3843. Captain Scott lives in Maidstone?—Yes.

3844. Have you not seen him at the Bell?—I was very rarely at the Bell, except in the evening.

3845. Did you see Captain Scott there in the evening?—No.

Re-examined by Mr. Serjeant *Pigott.*

3846. Those ward committees meet and have a merry evening, do not they?—Yes.

3847. And they have their glass and cigar, and so on?—Yes.

3848. And discuss municipal matters?—Yes.

3849. This guinea that you subscribe, is it a voluntary subscription?—It is.

3850. Some subscribe, and some do not?—I cannot tell; I subscribe a guinea.

3851. Does that go to the general expenses, or how is that money disbursed?—I cannot tell you that.

3852. When you meet and have those evenings over your glass, does each person pay for his own?—Always.

3853. About your taking this man to the Tuns, and telling Ottaway to provide him with what he wanted; you say that you did not tell Ottaway to provide him with what he wanted; did you mention to him that the man was tipsy?—I think I did, but it was apparent.

3854. Did you ask him to let him lie down on the sofa, or anything of that kind, or tell him he was going to lie down, or was lying down?—We went up into that room because there was not room in the bar; he did lie down; he could not sit up.

3855. You saw Ottaway, the landlord, before you went away?—Yes.

3856. Did you mention to him that this man was lying down, or wanted to sleep, or anything of that kind?—I cannot remember.

3857. Your object was, in fact, to let him be where he would not be interfered with by the blue party?—It was.

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3858. You say that it was apparent that the man was tipsy when he was at the Tuns; what do you mean by that; did he know what he was doing?—I do not believe he did; when we were taking him down to the Tuns he swaggered to and fro; he was very drunk; in fact, he could not have walked if we had left him; I believe he could not have walked.

3859. You are quite confident that you used no such words to him as this, that you would give him 15 *l.* or 20 *l.* for his vote?—I am confident of it.

3860. At any time?—At any time; I am confident of it.

3861. You are quite confident that you did not pay for nor give any drink to the man when you arrived at the Three Tuns?—I feel very confident.

3862. You swear that you did not?—My conscience tells me that I did not.

3863. Just answer the question, yes or no; do you positively swear that you gave the man no drink?—I do not believe I did.

3864. That is no answer; did you or did you not?—I should be very sorry to say one word ——

3865. You do not swear that you did not?—I should say I did not.

3866. You will swear that you did not?—I will swear that I did not.

3867. Who do you pay this annual subscription of one guinea to?—I paid to Mr. Pearson last year.

3868. He is the secretary of the Constitutional Society?—He is the secretary of the King-street ward.

3869. Do you pay a guinea as an annual subscription to the Constitutional Society, or to your own ward?—Well, I cannot tell you how it is paid; I pay a guinea per annum; I know nothing of the accounts, or the way in which the money is expended.

3870. You pay your guinea in utter ignorance of how that guinea is expended?—I do.

3871. There is no debtor and creditor account kept by anybody?—Never; I never saw it.

3872. It is rather unusual for people to pay subscriptions and never make inquiry as to how the funds to which they contribute are spent?—It may be; I do not know how it is.

3873. It is a mystery that you do not try to solve?—It has never occurred to me.

3874. Mr. *Phinn* (through the *Committee*).] Did you mention to Mr. Pearson that that man was going to vote for you?—I do not think I did.

3875. Just recollect yourself?—I am sure I did not; I do not think I did.

3876. Did you tell Mr. Pearson that he would require his expenses?—No; the fact is, I had not seen anything of the man until the afternoon after he had voted; I do not think I had been in the committee since.

3877. By the *Committee.*] Does the Constitutional Society make any return of its expenditure or income during the year?—No.

3878. No report?—No, I never saw one.

[The Witness was directed to withdraw.

Mr. *John Argles* was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

Mr. *John Argles.*

3879. ARE you a chemist and druggist, at Maidstone?—I am.

3880. You were a supporter of Messrs. Hope and Scott at the last election?—I was.

3881. Do you remember, on the night of the nomination, being at the Duke of Marlborough?—I do.

3882. Did you see Mr. Goodwin there?—I did.

3883. Did you see Sturgis with him?—I did.

3884. Where were they?—At the bar.

3885. Were they in front of the bar, or in the little room that has been described?—A little compartment there.

3886. Did you see Wells?—I did.

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3887. What was he doing?—When I first saw him there he pushed himself into that little compartment.

3888. There was a great disturbance between him and Mr. Goodwin?—There was.

3889. Were you and several other persons there?—I am not quite positive; I do not think there was then; I am not sure about it.

3890. Did you afterwards go out at the front door?—Some time afterwards.

3891. Did you see Sturgis and Goodwin there?—I did.

3892. Anybody else?—And Charles Baker.

3893. Were they walking along?—They did not have time.

3894. Were they just coming out?—They were just coming out.

3895. Were they all together?—They were.

3896. In what way?—Mr. Baker had hold of Mr. Goodwin's right arm, Mr. Goodwin had hold of Sturgis's right arm, and I immediately took hold of Sturgis's left.

3897. Who else was in company besides those you have mentioned?—Featherstone; he had hold of my left.

3898. You walked five abreast there, all arm-in-arm?—Yes.

3899. Where did you go?—Church-street, to the Three Tuns.

3900. Do you remember walking abreast all the way?—I can answer for myself, Mr. Goodwin, and Mr. Featherstone.

3901. For Sturgis?—We three, Sturgis, Mr. Goodwin, and myself, never separated the whole way.

3902. Then Sturgis and Mr. Goodwin walked arm-in-arm the whole time?—The whole time.

3903. If Sturgis has stated that you were sometimes far behind him, that is not true?—It is absolutely false.

3904. Was Sturgis drunk or sober?—Drunk.

3905. Very drunk?—Very.

3906. Must you have heard any conversation, if it had taken place, between Mr. Goodwin and Sturgis on the way?—Undoubtedly so.

3907. Did you hear anything said about giving him money for his vote?—I did not.

3908. Did you hear Mr. Goodwin say anything about 15*l.* or 20*l.*?—Not a word.

3909. Are you confident that no such conversation could have taken place, or anything like it?—I am.

3910. What did you do at the Tuns?—I went up into the room.

3911. Sturgis went up with you?—Yes.

3912. Why did you go into the room?—There was not room in the bar, there was so many people there, and we went up stairs.

3913. What became of Sturgis?—We went into a small room; that was not a large one, and we were shown into a larger, and Sturgis immediately laid himself down on the sofa with his legs crossed.

3914. What did he do?—He ordered a glass of brandy and water, and I ordered a glass of whiskey and water, and Mr. Featherstone ordered a glass of rum and water.

3915. Did you pay for your own liquor?—Yes.

3916. Did you pay for Sturgis?—No; I had nothing to do with that.

3917. Did he afterwards fall asleep?—It is a question whether the grog was on the table before he fell asleep.

3918. How soon was that?—About 10 minutes after we were in the room.

3919. Did you go down stairs?—Yes.

3920. What did you do then; did you go away or stay in the house?—I do not know whether I went immediately out of the house; I went out of the house and then came back again afterwards.

3921. Did you see Sturgis again that night?—Yes; I went up once again, and came down afterwards.

3922. Was Sturgis still asleep?—He was still asleep.

3923. Did you see him again after that?—Not after the second time.

3924. Of course there had been no conversation, as he had been fast asleep?—No; he was too drunk for that.

3925. Is that all that you know of the matter with regard to Sturgis, or do you know anything more?—No, I do not think I do.

Cross-examined by Mr. *Phinn*.

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3926. Just repeat what they drank?—He ordered brandy and water; I ordered whiskey and water, and Mr. Featherstone ordered rum and water.

3927. What did Mr. Goodwin order?—Brandy and water, I believe.

3928. Did you sit up there and drink it?—I think he sipped it; I just sipped it; I did not drink mine.

3929. Did you leave it on the table?—Yes.

3930. Did Mr. Goodwin finish his?—I do not think he finished it; he might have sipped it.

3931. What he ordered was brought, and he sipped it?—I believe so.

3932. Did not you drink Sturgis's health, you and the gentlemen who were present?—I do not remember that at all.

3933. Did you drink Mr. Hope's health?—No, I did not.

3934. Do you not remember Mr. Hope's health being proposed?—No, I do not remember that.

3935. What made you go to the Tuns, of all places in the world?—I do not know; there was nothing particular to take us to the Tuns.

3936. Was there anything particular to take Sturgis to the Tuns?—I do not know that I proposed taking him to the Tuns.

3937. Who did?—I do not know.

3938. When you started, did you know where you were going?—When I had hold of his arm, they told us the Tuns.

3939. Who told you so?—Somebody said so.

3940. Do you know Ottaway, the landlord?—I do.

3941. Did you hear any directions given to Ottaway?—No, I did not.

3942. You say you walked arm-in-arm; how many?—I think five, arm-in-arm.

3943. Did you walk on the pavement or in the road?—All in the road; there was not room upon the pavement; it is rather a narrow pavement at Maidstone.

3944. I believe there was a good deal of swaying about among them?—Sturgis walked like a ship in distress.

3945. Was there any conversation as you went along?—He complained that he was very tired and wanted to go to bed; there was some slight complaint about he had been annoyed or bullied by the Blue party, and he did not like it.

3946. Was not there some complaint that he was very badly off?—I did not hear a word about that.

3947. Supposing Mr. Goodwin had whispered into his ear, could you have heard?—We should have seen the motion of his lips; we should have seen him doing it, and then we should have been on the *qui vive* at once.

3948. Did he whisper?—I did not see him doing it.

3949. You say that you would have seen the motion of his lips?—I think so.

3950. Was not it dark, 12 at night?—When one is closely connected, one cannot help seeing something of that sort; besides, there are gas lamps every now and then.

3951. In the intervals?—Supposing he did not speak at all during the intervals?

3952. Are you a member of the Constitutional Society?—I am.

3953. Do you subscribe?—No, I do not.

3954. You never paid anything to it?—No, because I cannot afford it.

3955. You are a member of the ward committee for municipal purposes?—The King-street ward committee.

3956. Did you meet during the election at this King-street ward committee?—The King-street ward committee, I believe, met during the election.

3957. Do you believe you went there too?—Do I believe?

3958. Yes.—I know I did.

3959. Did you go there frequently?—I went there several times.

3960. Did you see Mr. Hope there?—Where.

3961. At the King-street ward committee.—I do not think it was the King-street ward committee he was present at.

3962. Which was it he was present at?—He was present in the room, just as we are now; there was no electioneering business going on.

3963. Of course not. Was it the room where the King-street ward committeee

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mittee usually did meet that Mr. Hope was present at?—No, I do not think it was.

3964. What room was it then?—There were two rooms.

3965. Where at?—At the Bell.

3966. Which room was he present at then?—On what occasion?

3967. On any occasion.—Which room; should you know if I were to describe it to you?

3968. Was it No. 5 or No. 6?—I do not know the number; the fact is this, I do not accustom myself to go to public-houses.

3969. Was it the room in which you hold your meetings?—I do not think it was.

3970. Are you sure that it was not?—Yes; I think I may safely say that it was not.

3971. Were you ever at the Mitre during the election?—Yes.

3972. Was that Mr. Hope's head-quarters?—I do not know whether they were Mr. Hope's head-quarters or not.

3973. Was he staying there?—I did not ask him.

3974. Do you mean to tell the Committee that you do not know whether the Mitre was Mr. Hope's head-quarters or not?—I do say I do not know where he was staying; I say I do not know where the head-quarters of Mr. Hope were, for I do——

3975. Was he staying at the Mitre?—He was.

3976. Did not I convey that to your mind by asking if it was his head-quarters?—That was not a direct question.

3977. Had he a sort of committee sitting at the Mitre last Friday?—Well, I do not know that you can term it a committee.

3978. Was there a number of gentlemen interested in this petition sitting at the Mitre?—There were certain gentlemen there.

3979. Were you one of them?—No, I was not present at the time, for I was sent for.

3980. Did they send for you in regard to the evidence that was given before this Committee?—They sent for me to know what evidence I could give if I had to come up here.

3981. Were slips of Sturgis's evidence shown you?—No, I do not think so.

3982. Just recollect; were slips of Sturgis's evidence shown you; was a printed slip of paper, with Sturgis's evidence on it, shown you on Friday?—I am not sure about that; I knew what the evidence was.

3983. How did you know that?—Because I heard it read.

3984. You heard it read there?—At the Mitre.

3985. Was it read from a printed paper?—No, I do not think it was when I heard it read there.

3986. From what?—A manuscript.

3987. Was it taken by one of the gentlemen here?—I do not know; I did not ask who it was taken by.

3988. Who read it?—I forget.

3989. You forget who read this evidence to you on Friday night last?—Yes; I will tell you why; every now and then there was some conversation going on.

3990. That does not prevent your recollecting who read the evidence to you?—I should be sorry to say who positively read the evidence to me.

Re-examined by Mr *Pigott.*

3991. Who do you think?—I cannot call to my recollection; I thought it was a matter of no moment.

3992. Who sent for you to come there?—I do not know who sent for me to come there; I know who came there.

3993. Who fetched you?—A person of the name of Cogger.

3994. You were told that you were wanted with regard to the evidence that had been given before this Committee?—I was told that I was wanted down at the Mitre.

3995. You went?—Yes.

3996. When there was some evidence read to you, or stated to you, which had been given, was it made known what evidence had been laid before the Committee in London?—I think it was.

3997. Were

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3997. Were you asked whether it was true, or whether you could rebut it?—Yes, I said I could.

3998. Who presided on that occasion?—I do not know.

3999. Was it an attorney in the town?—I do not know who was the chairman.

4000. Was it Mr. Edward Hoare?—Yes.

4001. Was he an attorney in Maidstone?—Yes.

[The Witness was directed to withdraw.

Mr. *Charles Baker* was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

Mr. *Charles Baker.*

4002. YOU are a cooper in Bank-street, Maidstone?—Yes.

4003. First as to the case of Sturgis; you are the same Mr. Baker who is said to have been one of the party at the Duke of Marlborough on the night before the election?—Yes.

4004. Do you remember seeing Mr. Goodwin and Sturgis and Mr. Argles there?—Yes, very well.

4005. When they left the house, did you go away with them?—Yes.

4006. Can you tell me how you walked; in the first place, was Sturgis sober or drunk?—Very tipsy.

4007. You went along Church-street, I believe?—We went out there at the side entrance at the Duke of Marlborough, as we saw at the front entrance there was a large crowd in the front entrance; not before the house, inside; and we got away out at the side, I, Sturgis and Goodwin, and Mr. Argles.

4008. And Featherstone was there, I think; was not he?—I did not see Featherstone.

4009. How did you walk?—Well, I had one arm hold of Mr. Goodwin's, and he was walking with Sturgis.

4010. Arm-in-arm with Sturgis?—Yes, arm-in-arm with Sturgis.

4011. Where did you go then; which way did you go?—Across the road down Church-street, and then turn down King-street to the Three Tuns.

4012. As you walked along did you continue arm-in-arm with Goodwin?—The whole way, I did.

4013. Could you hear anything that passed between Goodwin and Sturgis?—I could hear anything that passed, without he whispered; if it had been an ordinary conversation I certainly must have heard.

4014. Did you hear Goodwin say anything about 15*l.* or 20*l.* as the price of Sturgis's vote?—Not a word.

4015. Or money at all?—No, not at all.

4016. Do you recollect any conversation?—Only a general conversation, as to being followed about by the detectives.

4017. What do you call the detectives?—The "blues" were out three or four nights before the election, and we were out to give them a run round.

4018. Did you hold Goodwin's arm the whole way up to the Tuns?—Till we got to the Tuns door.

4019. Do you know William Diprose?—Yes; he was an apprentice of mine.

4020. How long was he your apprentice?—He served his full time of seven years.

4021. When did he leave you?—I really cannot tell without I had my book.

4022. Last summer, I think he told us?—No; he has left me as an apprentice longer than that.

4023. When did he leave your service?—He left my service about August in last year.

4024. August 1856?—When he left my service; he worked for me as journeyman since then.

4025. You previously to that lent him sums of money at different times?—Yes, all through his apprenticeship, at different times.

4026. Was he in the habit of paying you at different times?—Yes.

4027. Is this your account with him (*handing a book to the Witness*)?—Yes, that is my ledger.

4028. Is that the account you had with Diprose?—Yes; all in my writing.

4029. When he left you, you became liable for some tools which Diprose wanted?—Yes, he wanted a set of tools, and I ordered them of Mr. Bligh, in Whitechapel;

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Whitechapel; I told Mr. Bligh to have a separate account; I paid the bill in due course, when I paid my half-year's account.

4030. Was the debt from Diprose to you?—Certainly it is, and still.

4031. Has he paid any sums on account?—Yes; he promised to pay as he could; at any time when he could; he was very short of money; he said he should not pay me for some while; he was always a favourite of mine, and I said "Never mind, pay it when you please."

4032. Did he from time to time pay small sums?—Yes; here is the credit account.

4033. Where; you give him credit for that reduction of his debt?—Yes.

4034. Did you ever see Diprose between the time of his leaving you and the time of the election?—Yes; I think I saw him on the fair day after that.

4035. Do you remember his coming to you on the morning of the election?—Yes.

4036. He called at your shop, did not he?—Yes, he called at my shop.

4037. What did you talk about?—The election, of course, was the principal.

4038. Did you ask him any question about his vote?—I asked him who he was going to vote for, and he said he had not made up his mind.

4039. What did you say?—I said, "You are of an old Tory family; I do not know why you should not go Tory; if you have not promised, why not give it to Hope and Scott?"

4040. Did you say anything about influencing him?—I said, "Do just as you like, Will;" I said, "If turning a straw would turn you, I would not turn the straw."

4041. You said nothing but about his being a Tory family?—I said, "If he liked, I should like him to give the vote to Hope and Scott." As he was a freeman he could vote in any department of the polling booths; I was going to vote, and we walked side by side, and polled together.

4042. Did you give him any inducement to give his vote, beyond what you have said?—Not the least in the world.

4043. He is a freeman?—Yes.

4044. Was not it reported that Mr. Hope and Captain Scott were favourable to the rights of freemen?—Yes; that won the election, in my opinion, because there was a freemen's meeting at the Star, and a very general feeling of indignation was expressed against Mr. Lee for some reason, that he had made some remarks that he wanted the freemen disfranchised.

4045. Was not it the fact that Mr. Hope and Captain Scott were considered the popular candidates of the freemen?—Yes, certainly.

4046. What time did he poll?—I polled, I think it was as near half-past nine as possible; it was the first thing in the morning after I went out from breakfast.

4047. Do you remember, in the afternoon, your foreman, Martin, coming to you?—Yes; in my office.

4048. When about was it?—I think it was just after the men's dinner.

4049. What time would that be?—Two, or half-past.

4050. In the afternoon?—I think so.

4051. Did Martin make any application to you?—Yes; he says, "William is short of money; will you let him have 1 *l.*?" I says, "Certainly," as I always had.

4052. Did you give him the 1 *l.*?—I gave Martin the 1 *l.*

4053. For Diprose?—For Diprose.

4054. What did you understand that pound to be for?—I understood I lent him 1 *l.*; I said to Martin, "Get me down the ledger;" he got me down the ledger off the rack; I entered this, "March 28th, cash 1 *l.*," at that moment.

4055. You are sure you entered that at the time?—Certainly; I was sitting at my desk; I said, "Martin, give me down the ledger," and I entered it in my handwriting.

4056. Wast it 1 *l.* on account?—Just as it is now, excepting those two items of 15 *s.* and 8 *s.*

4057. Those are on the payment side; on Diprose's side?—Yes.

4058. That has been paid since?—Yes.

4059. Were all those items, except this one, present in the book at that time?—Yes, every item.

4060. There was no difference whatever in the way in which you entered this sum from any other?—Not the least; it is just the exact way I keep accounts with

with my apprentices; they all owe me money. Here is the next page: "Robert Brown, apprentice;" he owes me 4*l.* or 5*l.* on the balance. Mr. *Charles Baker.* 8 July 1857.

4061. Had you any understanding that this money was for travelling expenses?—No.

4062. Nor anything else connected with the election?—No, not the least in any way.

4063. Afterwards you required him to pay this?—I never asked him for it.

4064. Have you had any sum of it?—His wife brought me 15*s.*

4065. Did he come and speak to you about this matter?—Yes.

4066. What did he say?—He came up in great trouble.

4067. When was this?—I cannot tell; he came up in great trouble, and said the people at Wateringbury had all told him that he would have a Speaker's warrant, and three months in Newgate, and lots of things; he seemed in a very great deal of trouble. I told him it was all nonsense; I said, "What is the matter?" He said, "They tell me that the 1*l.* I had of you was for my travelling expenses;" I said, "It was not." I said, "If they ask you anything, all you have got to do is to speak the truth." I thought there might be a trap laid in this matter with the other party, as he is living with Blue masters. I sent my clerk for Mr. Robert Pearson; I did not speak to him till Mr. Robert Pearson was present; therefore Mr. Pearson heard the whole conversation that passed between me and William at that time.

4068. You told him to speak the truth about the sovereign?—I had previously told him he must apply to Mr. Pearson for his travelling expenses.

4069. When was that?—I think on the morning of the election, before he polled.

4070. Did he ask for travelling expenses?—"I understand," he says, "they pays travelling expenses, and loss of time," and I said, "I know nothing about that; whatever is legal, the expenses would be paid by Mr. Pearson."

4071. You never inquired after that?—No.

Cross-examined by Mr. *Phinn.*

4072. Did he tell you, on your way to the poll, that he was short of money?—No.

4073. You are certain of that?—Yes.

4074. Was he a young man of very good character?—Very, indeed; never a better young man.

4075. If he said to you on the way up to the poll that he was short of money, is it true or not?—I think it was a mistake on his part.

4076. Are you sure he did not?—I think the conversation as to money was about his expenses being paid, and whether they would allow for his loss of time; I said, I could not tell; he must apply to Mr. Pearson.

4077. Was it as you were walking up to the poll?—I believe it was.

4078. Did he say, "I am short of money," and did you say, "Oh!" do you recollect that?—I do not.

4079. Do you recollect him saying his expenses ought to be paid?—No, he did not say, "ought;" he said, "I understand the expenses are to be paid, and for loss of time," and I said, "I know nothing about it; Mr. Pearson will pay you what is legal."

4080. Are you sure you said that walking up to the poll?—Yes.

4081. Are you not confounding what took place afterwards?—No.

4082. You saw him when he came to you in great distress?—Yes, two months afterwards.

4083. Are not you confounding what he said to you when he came to you in great distress with what he represents he said to you going to the poll?—I am certain he asked me before he polled about his expenses, whether he made the remark about being short of money, I do not know; I think the first time I heard of his being short of money was when Martin came to ask me for 1*l.*

4084. Just let me look at that book (*the ledger was handed to Mr. Phinn*).

4085. Do you keep a day-book?—I do not keep a day-book account with my boys.

4086. Do you enter those loans as you make them?—Yes.

4087. Was it in consequence of anything you said to him that he paid you back

Mr. *Charles Baker.* back the 15 *s.*?—I think it might be his fear in paying it so soon; I do not know whether it was that.

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4088. I see he paid you nothing since January the 12th?—July, was not it?

4089. "January 12th, 8 *s.*," as far as I see?—Yes.

4090. We will go back to the Three Tuns and the other public-house, the Duke of Marlborough; do you remember how many walked abreast?—Four of us; but there were several about, and three or four following.

4091. You are quite sure there were not more than four abreast?—I think not; I could not say; it was a very exciting night; I know Sturges was taking hold of Goodwin's arm, and I hold of his.

4092. You are quite sure that there were not more than four, are you not?—I think I could say, without some one might have joined on the other side, there was none on this side of him.

4093. There is hardly room for four?—You might walk 12 down there; the carriage-road is as wide as this room, every bit, besides the two pavements.

4094. Are you a member of the Constitutional Society?—Yes.

4095. Do you belong to the committee of any ward?—No.

4096. You do not?—I never did in my life.

4097. I do not mean the election committee, but what is called the Ward District Committee?—No, not one of them; I have been applied to frequently; I never would, and never interfered with the election.

4098. Did you contribute to the Constitutional Society?—No, I never did in my life; I never was asked for a farthing.

[The Witness was directed to withdraw.

John Martin was called in; and, having been sworn, was Examined by Mr. *Venables*, as follows:

John Martin.

4099. ARE you foreman to Mr. Baker?—Yes.

4100. You remember the election-day?—Yes.

4101. Do you know Diprose?—Yes.

4102. Do you remember his coming to you on the afternoon of the election day?—Yes.

4103. What did he say?—He told me he was short of money, and he asked me whether I thought Mr. Baker would lend him a little.

4104. Did you go to Mr. Baker?—Yes.

4105. Did you give his message?—Yes.

4106. Did Mr. Baker let you have a sovereign for him?—Yes.

4107. Was there any entry made in the ledger?—Yes.

4108. Who made it, you or Mr. Baker?—Mr. Baker.

4109. Just look at this (*handing a book to the Witness*); is that the entry?—Yes.

4110. Was that made at the time?—Yes, at the time.

4111. I suppose you took back the sovereign to Diprose?—Yes.

[The Witness was directed to withdraw.

Alexander James Beresford Beresford Hope, Esq., a Member of the House, having been sworn, was Examined by Mr. Serjeant *Pigott*, as follows:

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4112. WE know that you are one of the Members for Maidstone?—Yes.

4113. I believe you did not stand as a candidate for Maidstone in the year 1852, at the election before the last?—I did not.

4114. You reside about 12 miles from Maidstone, I believe?—About 14 or 15.

4115. Do you occasionally go to Maidstone for the purpose of shopping, and supplying your farm and establishment with what you require?—Occasionally, on various businesses.

4116. When were you asked to stand for the election in 1857?—In 1855.

4117. Did any persons come to you just before the present election to represent the state of things; the expectations of the party, and so on?—They did.

4118. Who were those persons?—Mr. Randall, Mr. Edwin Stacey, and Mr Argles, the father of the late witness; not that gentleman.

4119. Did

4119. Did they state to you the expectations of carrying a Tory candidate?—They did.

4120. Was it arranged between you that you were to stand?—It was.

4121. Was anything said as to your not being allowed to go to the poll in case they did not see a certain prospect of success?—On various occasions, when I had communications with those leading gentlemen from Maidstone, that language was held, and acquiesced in by myself.

4122. That you should not go to the poll unless your success was certain?—Unless there was a reasonable hope of success.

4123. Did you, at any time, tell them that you would not allow any expenditure beyond necessary expenses, legitimate expenses?—Continuously, and most emphatically.

4124. Did they assent and accede to that?—As emphatically.

4125. Where was the house at which you made your head quarters at Maidstone during the canvass?—I resided at the Mitre.

4126. I believe you carried your caution so far as never to ask any of the members of your committee or canvassers to take wine or anything with you in that room?—I never offered a glass of wine or a cup of tea to any gentleman who visited me, not even to my colleague, he being a voter.

4127. I believe Lady Mildred Hope on one occasion asked some lady to take a cup of tea?—She asked some gentleman to take a cup of tea, and I told her that she was very wrong.

4128. We have had a witness of the name of Marley here; did you know Marley before the election?—I did not know that there was such a man in existence.

4129. Did you know him during your canvass in anyway; did you see him about?—A man casually joined our canvassing party one day, and that man I have since ascertained to be this person Marley; but I did not know who he was then.

4130. That is your acquaintance with him?—Precisely.

4131. Were your supporters and the persons who took an interest in your election cautioned against treating, offering or bribing, or anything of that kind, or having recourse to any undue influence?—Often.

4132. I need hardly ask you whether you were personally aware of anything having been said or done to influence any voter by the offer of a bribe, or anything of that kind?—I have every reason to believe, from what I saw with my own eyes, and from the inquiries which I of course made in my own interest, that the late Election for Maidstone was as pure a one as any that has been ever had for any borough.

4133. Were your books made up the evening before the election?—I have understood that they were.

4134. Do you know whether your books at that time showed within four of what you polled?—I have understood that they did.

4135. Probably you can tell me this; at what period of the day may we say the election was won?—Within the first hour or two hours.

Cross-examined by Mr. *Phinn*.

4136. You were a candidate for Maidstone, I think, in 1841 and 1847, and a sitting Member in both those years?—Yes.

4137. On the present occasion did you bring a gentleman of the name of Douglas Cooke with you?—I did.

4138. Was he your confidential agent and friend?—He was my confidential friend.

4139. For the purposes of the election?—Yes.

4140. You committed a good deal of the communications to Mr. Cooke, I think, did not you?—He made many communications on my behalf.

4141. I must revert a little to 1855, if you please; do you recollect who made the first communication to you as to your standing?—Several of the leading gentlemen of the town.

4142. Was it orally or in writing?—The first communications were oral, as far as I remember.

4143. Did you have a communication with Mr. Randall the banker?—Several.

4144. Did Mr. Randall mention to you that there was a large balance outstanding due to the bank by the party?—What he mentioned to me was this, that the election for 1852 was a perfectly pure one; that Mr. Wykeham Martin might

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have broken down with a small majority of ten if he had bribed, but he would rather not bribe, and that it was a pure election, and a cheap election; on that understanding I decided to come forward.

4145. Did not Mr. Randall state to you, upon the occasion when he addressed you, that there was a large balance due to the bank from the Conservative party?—No.

4146. A balance left unpaid by Mr. Dodd?—No.

4147. Nothing to that effect?—Nothing.

4148. I am sorry to be obliged to press you?—Of course, it is your business.

4149. Was there any understanding with the bank that you should clear off the old score?—Decidedly not.

4150. You are not aware of the existence of any such score?—Utterly unaware.

4151. On previous occasions, when you were Member for Maidstone, had you paid large sums ——

Mr. Serjeant *Pigott* objected to the question.

Mr. *Phinn* was heard in support of the question.

The *Chairman* stated that the question might be put.

4152. Mr. *Phinn*.] I was about to ask you, have you not, when you stood before, in 1847, I will say, sent a considerable sum to Maidstone after the election?—I have.

4153. May I ask what the amount was?—£. 3,500.

4154. Was there any contest at that time?—No.

4155. May I ask for what purpose that money was sent?—To pay my election expenses.

4156. Did that include the distribution to the freemen?—I am not aware what it included.

4157. To whom did you transmit it?—To my agent.

4158. Who was your agent?

The *Committee* intimated that Mr. Hope was not bound to answer any of these questions.

Witness.] I am aware of that, but I wish to tell the whole truth about this election.

4159. Mr. *Phinn*.] I am bound to ask you these questions; can you recollect through what channel you transmitted that sum?—I think gentlemen called on me in town, and I gave it to them in Bank notes.

4160. Do you recollect who the gentlemen were?—Mr. Randall and Mr. Richard Hart.

4161. Is that Mr. Randall the banker?—Yes.

4162. Was that in consequence of any engagement you had made before the election, or was it merely an application to you for election expenses?—I understood before the election that that was what the cost of the election would be.

4163. Did you inquire at all how that sum was to be applied or distributed?—I did not.

4164. I suppose you carefully abstained from inquiring?—I did not inquire.

4165. I will not press you further; it would not be right; you did not inquire, but you understood, in fact, that the price of Maidstone was 3,500 *l*.?—Precisely.

4166. Was that for each candidate, or did you pay the expenses of both?—For each.

4167. Who was your colleague at that time?—Mr. George Dodd.

4168. Did you discuss with him at all the application of the money?—No.

4169. May I ask whether in 1841 you had a serious contest there?—I had a contest.

4170. Did you transmit a similar sum in 1841?—I did.

4171. Or was it a larger sum?—The same.

4172. So that in 1841 there being a contest, and in 1847 there being no contest, you paid the same sum?—Yes.

4173. During your membership did you keep up any annual payments at Christmas?—I subscribed to charities.

4174. Who was the medium through whom you sent your charitable donations; was it Mr. Randall?—Yes.

4175. Still Mr. Randall. Was there not also a sum transmitted at Christmas without any specific destination?—No; charities, Chritmas charities.

4176. Did you send a lump sum for Christmas charities, or did you apply it to particular charities?—Accounts were rendered to me of the distribution of that money in charities.

4177. Did that include a distribution to poor freemen who were in difficulties?—It included Christmas charities; whether money was paid to poor freemen or not, I do not know.

4178. Were sums of money given to individuals, or were the sums applied to the charitable institutions of the town, such as hospitals, and so on?—Partly the hospitals.

4179. And partly in donations to individuals?—Meat, I believe.

4180. Not money?—Not that I am aware of.

4181. I suppose Mr. Randall is the gentleman who could explain the whole of that matter to the Committee?—Yes, he is.

4182. In 1852 you retired from the representation of Maidstone, I think?—I did.

4183. Was that in consequence of an application being made to you for a sum of money?—It was in consequence of a vote I had given in Parliament, which was unpopular there; and it was, I believe, represented to me that it would make my return difficult.

4184. Was that the Ecclesiastical Titles Bill?—No; Marriage with a deceased Wife's Sister Bill; one portion of the voters was angry with the vote I had given upon it.

4185. Was there no discussion with Mr. Randall as to money?—No.

4186. Did not you say that one of your reasons for retiring was the large expense?—It was represented to me that my return for Maidstone would be difficult, in consequence of the unpopularity which that vote of mine had given in those quarters.

4187. Money did not enter into the question at all?—It was stated that it would be more difficult for me to be returned than before, and I said I could have no more to do with it.

4188. You were applied to in 1855 to stand?—I was.

4189. And between 1855 and 1857 had you sent sums of money to Mr. Randall?—I have given Christmas charities, nothing more.

4190. Can you tell us to what amount?—I think 300 *l.*

4191. £. 300 each year?—I cannot recollect what I gave the first year.

4192. At Christmas 1856 did you give as much as 300 *l.*?—I think I did.

4193. Have you had any account given of the distribution of that money?—I have.

4194. Did you subscribe at Christmas 1852?—After I had ceased to be the Member for Maidstone, living as I did in the neighbourhood, I considered that it would be unhandsome in me to withdraw my subscription to the local charities; therefore, as a resident in the neighbourhood, I continued my subscription to the local charities as before.

4195. Did you subscribe as much as 300 *l.* in 1852?—I do not remember.

4196. 1853?—I do not remember.

4197. 1854?—I do not remember.

4198. You do remember the specific sum of 300 *l.* in 1855?—I do.

4199. Was not it much less in 1852, 1853 and 1854?—I do not know.

4200. Was it as much as 100 *l.* in 1853 and 1854?—I do not know exactly what it was.

4201. Was not it very much less than what you had subscribed in 1855 and 1856?—I cannot remember.

4202. I am sorry to press you upon this point?—To the best of my knowledge it was not so large, but the precise figure I do not remember.

4203. Was it half as much?—I do not remember what amount.

4204. You contributed to the charities, that is the institutions, but you did not send any sum for distribution amongst individuals; was not that the line which was drawn?—I think it was.

4205. Are you a contributor to the funds of the Constitutional Society?—No.

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4206. Have you never given anything to the funds of the Constitutional Society?—I am not aware that I ever have.

4207. I suppose you left the application of the sums that you sent down very much to Mr. Randall?—Yes.

4208. Did he send you a specific account of how he applied the money sent to him?—I have all the tradesmen's bills; that was the distribution of the money.

4209. Do you know whether he distributed the money in the shape of money?—He distributed meat at Christmas.

4210. Are you sure whether he distributed the money in the shape of money?—I have every reason to believe that he did not.

4211. I suppose he could tell us all that?—Yes.

4212. He could tell us the whole history?—Yes.

Re-examined by Mr. Serjeant *Pigott*.

4213. This distribution to individuals you say was in the shape of beef, or something of that kind?—Exactly.

4214. Have you any reason to believe that it was given to voters more than to any other persons?—No.

4215. Was it intended for the poor of Maidstone?—For the poor at Christmas; there is a great deal of charity goes on at Maidstone at Christmas; it began in the year 1855 when there was a very hard winter; there was a general subscription for the poor, to which the sitting Members and other leading people put down their names.

4216. You say in 1855 there was a hard winter, and a great deal of charity went on to the poor, which was contributed to by the sitting Members and other gentlemen?—Yes.

4217. Did you on one occasion send 100 *l.* for the poor?—On that occasion.

4218. Was that distributed in the shape of beef, coals, and so on?—It was distributed as the people who had the local management of the charities chose.

4219. The subscription to the other charities at Maidstone, which you had been in the habit of giving, you did not withdraw when you ceased to be member?—I did not.

4220. Those subscriptions were transmitted through Mr. Randall?—They were.

4221. Mr. Randall is a banker?—He is.

4222. Who is Mr. Hart?—An attorney, then resident in Maidstone.

4223. Was he your agent in 1841 and 1847?—Yes, he was.

4224. When you came forward in 1857 or in 1855 was it distinctly understood that the old system should be put an end to?—It was; I believe my phrase was, "Old ways must not be new ways."

4225. Before you consented to stand, were you distinctly told that Mr. Wykeham Martin's election had been conducted upon pure principles in 1852?—I was.

4226. Did that operate upon your mind whether you should stand?—Materially.

4227. Did you have a new agent in 1857?—I did.

4228. Mr. Pearson, I think?—Yes.

4229. He had not been your agent before?—I did not know of his existence before.

4230. Was it stated by your supporters to you or by you to them—I mean the heads of your party—that if you could not see your election safe before the day of polling, nothing should be done to turn the tide, and you should withdraw?—I do not remember the phrase "turn the tide."

4231. No, that is my own expression, that nothing should be done to alter the state of things?—It was.

4232. Had that reference to using influence of any kind, pecuniary or otherwise?—It had.

4233. Did you find any hanging back in your canvass?—Singular alacrity.

4234. I believe you were well received on your canvass?—I was personally popular.

4235. You say that nothing occurred between you and Mr. Randall with regard to some unpaid debts of Mr. Dodd's?—Nothing at all.

4236. I do

4236. I do not know whether you told Mr. Phinn in regard to the mode in which your agent disbursed those sums of 3,500 *l.*, that you were wholly unacquainted with it?—Wholly. *A. J. B. B. Hope, Esq., M. P.*

4237. You left it to him entirely?—Wholly. 8 July 1857.

Examined by the *Committee*.

4238. I understood you to state that you had no contest in 1847 when the 3,500 *l.* was paid?—Yes.

4239. You are not cognizant of the application of that 3,500 *l.*?—No.

4240. In 1857, at the last election, you stood upon the principle of giving no money in any improper manner?—Emphatically so; if I have said so once, I have said so fifty or sixty times; it was my constant subject of inquiry.

4241. As far as you know, has that principle been fully carried out?—Fully, I believe; as I have already said in evidence, it has been a strictly pure election.

4242. As a matter of course you are not prepared to pay hereafter one shilling to anybody on account of this election in addition to what has appeared in the auditor's accounts?—I should repudiate any such demand.

4243. We have had the name of Mr. Pearson before us as the secretary to some of these committees; is he your agent?—Yes.

4244. The same person?—The same person.

Captain *Edward Scott*, a Member of the House, having been sworn, was Examined by Mr. Serjeant *Pigott*, as follows:

4245. YOU were also a candidate at the last election, and are Member for Maidstone now?—I was, and I am. Capt. *E. Scott*, M. P.

4246. You never were a candidate before for Maidstone?—Never.

4247. I believe you are a resident at Maidstone?—I am.

4248. How long have you resided at Maidstone?—Since my return from India, in 1842.

4249. We hear that there is a constitutional society established at Maidstone, with reference to municipal matters chiefly, we are told?—There is.

4250. Was that done in imitation of a society that had been instituted by the Liberals?—There was and has been a society called a Reform Association, and as they were too strong for us, we thought that we would also have one called a Constitutional Society; we have our secretary, and I believe they have theirs; I believe Mr. Wells Taylor, the petitioner against us, is the secretary of the Reform Association; I believe so; I will not say it on my oath.

4251. It is the custom of those wards to meet on different occasions?—Those wards meet; we have a general meeting once a month, called a monthly meeting.

4252. And then are municipal matters discussed?—No; I do not think anything is discussed; speeches are made and songs are sung; a pleasant evening is spent.

4253. I suppose there is some brandy and water, and cigars are brought?—Yes.

4254. Does each person pay for what he has?—Every man who has anything pays for what he orders.

4255. Is there a sum subscribed occasionally by the members, or a voluntary payment?—There is a sum subscribed, and there is a treasurer appointed; he keeps accounts regularly, and a subscription is made for the purpose of paying the rent of the rooms that we employ, for the hiring of furniture, the hiring of a piano; and I believe those are the chief things.

4256. I will put the question to you shortly; are you aware of any undue influence having been resorted to for the purpose of carrying your or Mr. Hope's election?—I am perfectly sure that there was never a purer election than the one in 1857; I am perfectly sure of that; if you will allow me to say, it may save you time; I was one of the gentlemen who waited upon Mr. Hope (that, I think, was in 1855), and then it was particularly explained to Mr. Hope, that if he came forward at any election which might take place, he should not pay one farthing in anything like bribery; and that it was to be a perfectly pure election; and I believe, and I am sure, that there was not one shilling, nor one pint of beer I might say, given during the last election.

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4257. Was it expressed by your supporters, as well as by yourself, that it should be so?—By every one; I believe my speeches are in print now, in which I explained to the men that they should not have, and were not to expect, anything, either at the election or after the election, not even a pint of beer; and I was very sorry for it, as I told them.

4258. You yielded to the hard necessity of the case?—Yes.

Cross-examined by Mr. *Phinn*.

4259. Is there a committee of this Constitutional Society?—Yes.

4260. Are there rules?—Yes.

4261. Have they printed rules?—I do not think they are printed rules.

4262. You have never seen them in print?—I would not answer for that; I I do not think they are printed rules; the rules are a general understanding.

4263. Were you aware, when you waited upon Mr. Hope in 1855, that there was a debt due to the bank from the Conservative party?—No, I was not.

4264. You had never heard anything of that?—No; I have been very much mixed up with election affairs; and, extraordinary as it may seem, I never heard till to-day—I really never heard that there had been money spent.

4265. You never heard that there had been money spent at Maidstone?—No, I really had not; I never knew, I did not indeed; I was quite surprised to hear it.

4266. You really never heard it?—Well, I did not, I assure you; I am a soldier, and when I came from India I suppose they thought it was not right to let me into the secrets.

4267. In this grosser atmosphere we hear things that did not resound in the purer atmosphere of Maidstone?—Yes

4268. When did you return from India?—I think it was 1842.

4269. Were you at the Maidstone election of 1847?—No, I was not; I was away in 1847. Who stood?

4270. Mr. Hope and Mr. Dodd?—No, I was not; I was in Devonshire.

4271. I am instructed by this little slip of paper to ask you, did not you once say at a meeting of the Constitutional Society—I do not mean at this election—that you wished every man to have 20 *l.* for his vote?—No.

4272. Nothing of the kind?—No; I should be very sorry to say I did not, but I am perfectly convinced in my mind that I did not; we often say very foolish things in joke.

4273. We are none of us exempt from that infirmity?—I am pretty sure I never stated such a thing; I may have said it.

4274. I believe you only came forward as a candidate at the last moment?—Quite at the last moment.

4275. You left all the arrangements, as to expense, very much with Mr. Hope, I believe, did not you?—I did not know how things were to be conducted; there was a certain sum of money I paid for my election expenses; I paid it into the bank.

4276. Into Mr. Randall's bank?—Yes; I took it from my private account, and put it into what, I believe, was called "Election Expenses"; I believe I heard the other day that my expenses were so much; I thought they were much less than I should have to pay, and it was an agreeable surprise.

4277. You know nothing of the transactions of 1852?—Who stood then?

4278. Mr. Dodd?—Alone?

4279. Mr. Dodd and Mr. Lawrie?—I was there; I canvassed for them

4280. For Mr. Dodd and Mr. Lawrie?—Yes.

4281. Do you recollect Mr. Lawrie abandoning his seat, and Mr. Dodd being petitioned against?—Yes.

4282. As you thought Maidstone so pure, did not that strike you as remarkable?—I was surprised at Mr. Lawrie retiring; and I was much more surprised at Mr. Dodd not defending his seat, because I am sure if he had defended his seat he would have gained the day.

4283. You are equally confident that it was a pure election?—I heard nothing to the contrary; I have heard something about some cheques, but I do not believe that the truth was told at all about them.

4284. Some cheques given to Mr. Randall?—They were given, I believe, by a man of the name of Brooks.

4285. Through Mr. Randall?—No, not through Mr. Randall.

4286. I do not wish to do more than ask you a general question; are you quite sure that you heard at no time of a debt due by the Conservative party to the bank?—I am sure I did not.

4287. Do you know Marley?—Yes, very well.

4288. Has he been a very active man in your municipal elections?—He has nothing to do with me; I mean to say that he has nothing to do with my municipal elections; I am quite at a different end of the town; I do not know anything of his parts; I am in Stone-street ward; I do not know anything of the Westborough ward.

4289. You do not know that he was an active man in the Westborough ward?—I think he was.

4290. When you went into the Westborough ward to canvass, did not you take him with you?—I think he was with us one day, or part of a day.

4291. He was with you as a man who knew the persons and the political leanings of the voters in the Westborough ward?—I think we saw him there; we asked him if he would come and point out some of the houses.

4292. Do you remember going to canvass Morris?—No, I do not; I have been trying to recollect all the time I have been here, and I do not recollect anything about this man.

4293. Do you recollect going down to a wharf where some men were at work?—I remember going to the wharf; I thought Mr. White introduced me, till I heard that Marley did.

4294. Do you remember going to see a man named Turner?—No, I do not.

4295. Do you remember Alexander Lamb?—No, I do not.

4296. Do you remember canvassing the man Lower?—I do recollect it; I should not have recollected it, except the mention of the "happy family" had been made.

4297. Do you remember Joslen being with you on canvassing Lower?—I should be very sorry to swear that he was or was not; I do not recollect who took us; I recollect Mr. William Wickham was there.

4298. Do you know Mr. Benjamin Ruck at all?—Yes, I do.

4299. Have you known him for some time?—Yes; I have known him a long time.

4300. Did you take him on your canvass?—I do not think he ever went with us.

4301. Are you quite prepared to say that?—I think we only saw him once; we had been to his house to canvass him for his vote, and we caught him in the street; I thought he was against us.

Re-examined by Mr. Serjeant *Pigott*.

4302. Marley may have been with you once or twice, and he went to point out the position of the houses?—Yes.

4303. That was the purpose for which he went with you?—Yes, that was the purpose.

Mr. Serjeant *Pigott* stated that that was the case for the Sitting Members.

Mr. *Venables* was heard to sum up the evidence on behalf of the Sitting Members.

Mr *Phinn* was heard in reply upon the whole case.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and those following *Rep. p.* to the Paging of the Report.]

A.

ABNETT, THOMAS. (Analysis of his Evidence.)—A waiter, living at No. 5, Wharf-lane, Maidstone; has been for some years employed as a waiter at the Bell Hotel; was there at the time of the election, 13-20——Remembers Mr. Hope and Captain Scott coming to Maidstone, 21——Evidence as to a room at the Bell having been taken as a committee-room about a week before the election, 22-29——Witness has seen Mr. Hope and Mr. Scott there about that time, and also at various times during the week; they usually stopped about five minutes, or so, 30-37. 127-133. 146-159.

Witness always considered that No. 5 was engaged as Mr. Hope's and Captain Scott's committee-room, and that a Mr. Pearson so engaged it, 37. 114-122. 134-145——Other parties witness has seen in this room at different times, and sometimes when Mr. Hope and Captain Scott were there, 38-55. 77-92——A doorkeeper was appointed, and acted from 10 or 11 o'clock in the morning till the room was closed in the evening; witness has seen paper envelopes and cards in the room, 56-62——No. 6 was also engaged on the day of polling, and about two days before; purpose for which used, and parties who attended there; witness never saw either Mr. Hope or Captain Scott in this room, 63-76. 93-100. 102-113——Witness has served refreshments in this room, 101——Witness did not see either Mr. Hope or Captain Scott at the Bell on the polling day, 123-126. 161.

Accounts. Witness as auditor produces the accounts rendered by Messrs. Hope and Scott for the late election, *Beale* 1474.

Agents. Witness produces the appointment of the agent for election expenses, *Beale* 1475, 1476——The same person was appointed for Mr. Hope and Mr. Scott, viz., Mr. Robert Pearson, *ib.* 1477, 1478——Witness has seen Mr. Goodwin canvassing with Messrs. Hope and Scott in Earl-street; saw several gentlemen with them, *Rowles* 1745-1760——Witness has seen Mr. Gilliam come out of the Bell, where Hope and Scott's Committee sat, arm in arm with Mr. Hope, *ib.* 1749-1755. 1761-1769. 1772-1776——Witness has seen Mr. Goodwin canvassing in company with Mr. Hope and Captain Scott, both at Wateringbury and in Maidstone, *Miller* 1781-1800——Witness was himself canvassed by them on more than one occasion, *ib.* 1790-1800.

Witness is a plumber living at Maidstone; believes he has seen Mr. Goodwin canvassing with Messrs. Hope and Scott, *Ford* 1801-1803——Witness knows Mr. Goodwin, the attorney; has seen him canvassing in Upper Stone-street, in company with Messrs. Hope and Scott, *Bodkin* 1807-1813——Witness has seen Messrs. Hope and Scott canvassing in company with Mr. Goodwin, *Edmund Mills* 1823-1826——Witness knows Mr. Hope and Captain Scott, has several times seen Mr. Marley and Mr. Goodwin canvassing with them, *Smith* 1924-1928——Witness knows Messrs. Hope and Scott, and also Mr. Marley; has seen them canvassing together, *Baggs* 1929-1936——Witness has seen Mr. Joslen canvassing with Messrs. Hope and Scott, *Bow* 1983-1994——Witness has been canvassed by Messrs. Hope and Scott; Mr. Benjamin Rock was with them, *Larkin* 1998-2014.

Witness only canvassed one day in the Westborough ward with Messrs. Hope and Scott, *Marley* 2639-2643. 2789-2795. 2807, 2808——Evidence relative to the part witness took on the polling day in bringing voters up to the poll, *ib.* 2772-2788——Witness has canvassed very little with the Sitting Members, *Joslen* 3273-3277——Witness has canvassed several times with Mr. Hope; Mr. Marley, Mr. Goodwin, and Mr. Joslen have also canvassed with witness and Mr. Hope; how far these different parties attended the Bell, *Gilliam* 3512-3563——Witness went canvassing on two or three half days, and this is all he had to do with the election, *Goodwin* 3686, 3687——How far witness had any acquaintance with a man of the name of Marley, *Hope* 4128-4130.

See also *Bribery*. *Canvass of Electors*. *Committee-rooms*.

Report, 1857—*continued.*

Argles, John. (Analysis of his Evidence.)—Chemist and druggist at Maidstone, 3879——Was a supporter of Messrs. Hope and Scott at the last election, 3880——Remembers on the night of the nomination being at the Duke of Marlborough, 3881——Witness saw Mr. Goodwin there, and a man of the name of Sturgis with him, 3882-3889——Evidence relative to Mr. Goodwin and a Mr. Baker having conducted Sturgis to th Three Tuns; Sturgis was very drunk, 3890-3905——Witness accompanied them, but did not hear Mr. Goodwin say one word about giving Sturgis 15 *l.* or 20 *l.* for his vote, 3906-3909. 3945-3951——No instructions were given to the landlord of the Tuns as to what was to be done with Sturgis; the party went up stairs, and Sturgis fell asleep, 3910-3944.

Witness is a member of the Constitutional Society, and of the King-street ward committee for municipal purposes; this committee was held at the Bell, and witness may have seen Mr. Hope there, 3952-3970——The Mitre was Mr. Hope's head quarters; evidence as to witness having been sent for to go to the Mitre, and his having had Sturgis's evidence given before this Committee read over to him; witness then stated that he could rebut it, 3977-4001.

Atkins, John. See *Bribery* II., 6. *Canvass of Electors.*

Auditor. Witness is election auditor for the borough of Maidstone for the current year, *Beale* 1473.

B.

Baggs, Barnabas. (Analysis of his Evidence.)—Merchant's clerk, living in Maidstone; knows Messrs Hope and Scott, and also Mr. Marley; has seen them canvassing together, 1929-1936.

Baker, Charles. (Analysis of his Evidence.)—Cooper in Bank-street, Maidstone, 4002——Evidence relative to witness having accompanied Mr. Goodwin, Mr. Argles, and Sturgis from the Duke of Marlborough to the Tuns on the night before the election; Sturgis was very tipsy, 4002-4013——Witness walked arm in arm with Mr. Goodwin and Sturgis all the way, and did not hear a word said to Sturgis about 15 *l* or 20 *l.* as the price of his vote, 4014-4018. 4090-4093.

Witness knows William Diprose; he was apprenticed to witness for seven years; left witness's service in August 1856; 4019-4024——Witness during his apprenticeship, and since, has frequently lent him small sums of money, and has a regular debtor and creditor account with him, 4025-4033——Diprose accompanied witness to the poll at the late election, and they voted together; witness had in no way attempted to influence him as to his vote, 4034-4046——Evidence in detail relative to Diprose having called at witness's office in the afternoon of the polling day, and stating he was short of money; witness sent him out 1 *l.* by his foreman; witness looked upon it as a loan, and Diprose has paid part of it back again, 4047-4060. 4064. 4083-4089——There was never any understanding that this money was for travelling expenses, or for anything else connected with the election, 4061-4071. 4079-4081——No remark was made by Diprose on his way to the poll, as to his being short of money, 4072-4078.

Beale, William. (Analysis of his Evidence.)—Election auditor for the borough of Maidstone for the current year, 1473——Produces the accounts rendered by Messrs. Hope and Scott for the last election, 1474——Produces the appointment of the agent for election expenses, 1475, 1476——The same person was appointed for Mr. Hope and Mr. Scott, viz., Mr. Robert Pearson, 1477, 1478——The auditor's accounts were delivered to witness finally on the 22d June; the total amount was 413 *l.* each candidate; this statement has not been published in the newspapers, 1479-1483——Explanation of an item, "Hire of committee-room 24 *l.* 10 *s.* 7 *d.*"; 1484-1489——Amount of the accounts furnished to witness in behalf of Mr. Lee and Mr. Mildmay, 1490-1495——Messrs Lee and Mildmay's agency account was sent to witness on the 19th of June; another account was sent afterwards, 1502-1516.

Bodkin, Thomas. (Analysis of his Evidence.)—Town carter, living at Maidstone, 1804-1806——Knows Mr. Goodwin the attorney; has seen him canvassing in Upper Stone-street, in company with Messrs. Hope and Scott, 1807-1813.

Bow, William. (Analysis of his Evidence.)—Builder, living at Maidstone, 1980, 1981——Knows Joslen the stationer perfectly well, 1982——Has seen him canvassing with Messrs. Hope and Scott, 1983-1994.

Report, 1857—*continued.*

BRIBERY:

I. *Generally:*

II. *Alleged Acts of Bribery:*

1. Case of Diprose.
2. Case of Dunnage.
3. Case of Harrison.
4. Case of Lamb.
5. Case of Lower.
6. Case of Mills.
7. Case of Morris.
8. Case of Orford.
9. Case of Sturgis.
10. Case of Turner.

III. *Refutation of these Allegations:*

1. Case of Diprose.
2. Case of Dunnage.
3. Case of Lamb.
4. Case of Lower.
5. Case of Morris.
6. Case of Orford.
7. Case of Sturgis.
8. Case of Turner.

IV. *Resolution of the Committee.*

I. *Generally:*

Witness has not at any time during his canvass or during the election, made any person any offer of money, *Marley* 2618-2620——Had witness done so, he must have done it out of his own pocket; he had no authority so to do, *ib.* 2618——Witness during his canvass continually and emphatically stated that he would not allow any expenses beyond legitimate expenses, *Hope* 4123, 4124. 4126, 4127. 4131. 4224-4234. 4240, 4241.

II. *Alleged Acts of Bribery:*

1. Case of Diprose:

Witness had a vote at the last election; voted for Mr. Hope and Captain Scott, *Diprose* 1584, 1585——Received letters on behalf of Lee and Mildmay, but was not canvassed by anybody for them, *ib.* 1586-1591——Charles Baker went to the poll with witness, *ib.* 1592, 1593——After the polling witness went to Mr. Baker's office, and sent in word to him that he was short of money, and he sent down a sovereign by his foreman; witness has paid back 15 *s.* of this, *ib.* 1594-1620. 1665-1671. 1724, 1725——Evidence relative to the conversation which took place between witness and Mr. Baker in going up to the poll together; witness told him at that time that he was short of money, *ib.* 1596-1610. 1628-1651.

2. Case of Dunnage:

Witness is a miller living in Wheeler-street, Maidstone, at the last election; worked for a man of the name of Parton, *Dunnage* 837-840——Is now living in London; is employed in the Great Northern flour mills, *ib.* 841——Evidence as to witness having seen Mr. Parton, his late master, on the nomination day, and as to his having asked witness to vote for Hope and Scott, stating that he might as well vote for them and get 5 *l.* as to vote for the other party and get nothing, *ib.* 863-867. 918-921——Saw Mr. Hope and Mr. Gilliam on the same day, and was again canvassed by Mr. Hope, but would not promise, *ib.* 868-880——Witness saw Gilliam again in the evening, when he laid his hand on witness's shoulder and said, "You may take my word as a man, if you vote for Mr. Hope you will not repent it," and witness then promised to vote for him, *ib.* 881-885.

Witness is a workman in the employ of Mr. Parton; remembers Dunnage working there, *Lee* 984-990——Witness remembers hearing a conversation between Mr. Parton and Dunnage about his vote, *ib.* 991——Heard Mr. Parton first ask Dunnage whom he was going to vote for, and after that did not hear anything till he heard 5 *l.* mentioned, *ib.* 992-1003——Witness asked Dunnage what Mr. Parton said, and Dunnage told him he had promised him 5 *l.* at Christmas if he would vote for them, *ib.* 1003-1007.

3. Case of Harrison:

Witness had been canvassed previously to the nomination day, and had promised Lee and Mildmay, *Harrison* 1014-1017——Knows Mr. Ruck, a builder, who has been a bankrupt, remembers seeing him on the day of the polling, *ib.* 1019-1027——Evidence as to his having asked witness whether he had voted, and witness replying that it was no business of his, *ib.* 1028-1031——Statement as to his having asked witness to make up his mind to vote for Hope and Scott, and he would have the consideration in due time, *ib.* 1032-1038. 1041-1048——Witness mentioned this the next day to John Goodwin, *ib.* 1039-1042.

4. Case of Lamb:

Witness knows Alexander Lamb, and also knows a man named Marley; has seen Marley when witness has been in company with Lamb and Marley; has spoken to Lamb, *Lee* 379-392——Evidence as to Marley having said to Lamb, "Well, you can give us one vote, cannot you," and Lamb's replying, "I do not know," and Marley then stating that if 5 *l.* or 10 *l.* would be of any use to him, he knew where Marley lived, *ib.* 393-397. 411-434. 443-452——Witness first mentioned this the next morning to a man named Turner, *ib.* 398, 399. 435-437.

Report, 1857—*continued.*

BRIBERY—continued.

II. *Alleged Acts of Bribery*—continued.

5. Case of Lower:

Mr. Monkton, a solicitor and town clerk of Maidstone, is witness's landlord; a Mr. Giles collects his rents, *Lower* 1111–1115——Evidence relative to an interview witness had with Mr. Giles, at which he gave witness to understand that if he voted for Mr. Hope and Captain Scott, it would be all right, *ib.* 1122–1132. 1156 *et seq.*——Way in which a Mr. Joslen was mixed up with the understanding about the rent, *ib.* 1137–1149. 1156, *et seq.*——Witness has no reason to suppose that his rent was paid to Mr. Monkton by the Tory party, *ib.* 1288. 1346–1369.

Evidence in detail respecting a letter written to him either by Mr. Monkton or Mr. Giles about his rent, *Lower* 2015, *et seq.*——Assertion made by witness that he did not go to Giles before this letter was written, and ask him to send him a letter about the rent; statement that the writing of the letter was Giles's own proposition, *ib.* 2016–2034. 2038–2065——Mr. Giles proposed to write the letter for the purposes of the election, and suggested that if witness minded how he voted, his rent would be squared off, *ib.* 2016–2034. 2038–2065——Witness produces his rent-book; examination on various items therein, *ib.* 2035–2037. 2066*–2103——After witness received this letter, although he had made this arrangement with Mr. Giles, he was doubtful whether Mr. Monkton had not written the letter till he showed it to Mr. Joslen; witness now believes it was written by Giles, *ib.* 2047–2065.

6. Case of Mills:

Witness knows Mr. John Atkins, the paper-maker, *Richard Mills* 1053——Witness had been canvassed for Messrs. Lee and Mildmay, and had promised that he would not vote against them, *ib.* 1054–1059——Evidence as to witness having been promised 5*l.* by Mr. Atkins, if he would give the friends of Hope and Scott one vote, *ib.* 1060–1071. 1078–1086——Reference to the statement made by Mr. Atkins, that he was not authorised by any of his party to make this promise, *ib.* 1069.

7. Case of Morris:

Witness knows a man of the name of George Simms Marley, foreman to Mr. Tassell the timber merchant, *Morris* 167, 168. 201–208——Evidence as to his canvassing witness on the nomination night; witness's wife and John Towner were present, *ib.* 169–173——He asked witness whether he would allow him to put his name down for Hope and Scott, *ib.* 174——Refusal of witness to do so, *ib.* 175——Observation then made by Marley that witness "had better let him, for Hope has got plenty of money, there is no mistake about that;" witness did not promise him, and voted next morning for Lee and Mildmay, *ib.* 176–188. 209–211.

Evidence relative to an observation made by witness at the time Marley made the remark above mentioned, that "he had heard talk of their afterclaps, but he never see any of them," *Morris* 178, 179; *Towner* 239–241. 247–266——Reply made by Marley, that "he dare not promise witness even a pint of beer, but when anything was left in his hand he always saw it right, *Morris* 180——Witness knows a man of the name of Marley very well, *Towner* 230——Saw him at Morris's house on the evening of the day of nomination at Maidstone; heard what passed between them, *ib.* 231–288.

8. Case of Orford:

Butcher at Maidstone; had a vote at the last election; voted for Lee and Mildmay, *Orford* 1517–1523——Evidence as to witness having been offered 15*l.*, and at another time 12*l.* for his vote by a man of the name of Stephen Doe, *ib.* 1524 *et seq.*——Witness offered to take it, but upon being told that he could not have it till after the election, he refused it, and voted for Lee and Mildmay, *ib.* 1540——Has not received anything for voting for Mr. Lee, nor has he been promised anything, *ib.* 1542–1544——Witness will not swear that this offer made by Stephen Doe was not a joke, 1545–1577.

9. Case of Sturgis:

Was formerly a baker at Maidstone; is now living in Bermondsey, but working as a labourer at a hay and straw wharf in the Commercial-road, Waterloo Bridge, *Sturgis* 453–456. 612–644——Witness finding his name was still on the register at Maidstone, went down at the late election to vote, *ib.* 457–460. 645, 646——Evidence in detail as to witness having been to numerous public-houses after his arrival at Maidstone, and as to his having met with Mr. Goodwin, a solicitor of Maidstone, at the Duke of Marlborough, and afterwards repairing with him to the Tuns, *ib.* 461–524. 531–609——Promise made by Goodwin to witness on their way to the Tuns, that if he would vote for Hope and Scott, he should have from 15*l.* to 20*l.*; reply made by witness that that was just what he wanted, *ib.* 525–530. 670–685——Witness never received anything from Mr. Goodwin, but voted for Mr. Hope and Captain Scott, because he was promised from 15*l.* to 20*l.*, *ib.* 610, 611. 737–742——Although witness had been to various public-houses, he was not drunk when he met with Mr. Goodwin, *ib.* 647–669. 696–714.

Witness

Report, 1857—*continued.*

BRIBERY—continued.

II. *Alleged Acts of Bribery*—continued.

9. Case of Sturgis—*continued.*

Witness saw Mr. Goodwin and Sturgis go from the Duke of Marlborough to the Three Tuns the night before the polling, *Edmund Mills* 1818–1822——Witness followed Mr. Goodwin and Sturgis from the Duke of Marlborough to the Three Tuns; reasons for this, *ib.* 1827–1845. 1862–1879——Witness supposed there was a plant laid upon him by the Purple party, *ib.* 1846. 1851–1861——Witness would not say that Sturgis was intoxicated, *ib.* 1846–1850. 1880–1885——Witness did not see anything more than that the Purple party seemed very anxious to get his vote, *ib.* 1853–1861.

10. Case of Turner:

Witness knows a man named Marley, *Turner* 297——Recollects his calling on witness on the Sunday evening previous to the day of nomination, *ib.* 298–302——Evidence as to his asking witness for his vote, and on witness telling him he had promised; his having stated that if he could give him one for Mr. Hope, he would make every thing right, *ib.* 303, 304, 367–370——Request made by Marley, that witness should leave word at his house on the Monday whether he would vote for Mr. Hope, and he would make the "figure" all right, whatever it was, *ib.* 305–315. 340–344——Witness did not go to his house, but voted for Lee and Mildmay, *ib.* 312–315.

II. *Refutation of these Allegations:*

1. Case of Diprose:

Witness had been apprenticed to Mr. Baker for seven years, but had left his service some months before the election, *Diprose* 1621–1627. 1652–1654——At the time of witness's leaving Mr. Baker, he advanced him the money to buy a set of tools; he has also since advanced small sums of money to witness when he has been short, *ib.* 1655–1664——Witness still owes Mr. Baker something, *ib.* 1672, 1673——Statement which has since been made to witness by Mr. Baker that he owes him this sovereign; observation made by witness that he thought it was for his expenses, *ib.* 1674–1719. 1724, 1725——When witness voted for Hope and Scott, he had no expectation of getting money, *ib.* 1723.

Evidence in detail relative to Diprose having called at witness's office in the afternoon of the polling day, and stating he was short of money; witness sent him out 1*l.* by his foreman; witness looked upon it as a loan, and Diprose has paid part of it back again, *Baker* 4047–4060. 4064. 4083–4089——There was never any understanding that that money was for travelling expenses, or for anything else connected with the election, *ib.* 4061–4071. 4079–4081——No remark was made by Diprose, on his way to the poll, as to his being short of money, *ib.* 4072–4078——Witness is foreman to Mr. Baker; remembers Diprose coming to him on the evening of the polling day, and his requesting witness to ask Mr. Baker to let him have a sovereign; Mr. Baker sent him out the 1*l.*; it was entered in the ledger as a loan, *Martin* 4099–4111.

2. Case of Dunnage:

Witness does not recollect saying anything to Mr. Gilliam to the effect that a little assistance would be very acceptable, nor Mr. Gilliam's replying that he would not give a fraction for any vote, *Dunnage* 908–917——How far witness has since been to Gilliam's house to ask any assistance, *ib.* 922–946——The advice of his employer, and the promise given to him by Mr. Gilliam, on behalf of Mr. Hope, that he should not regret it, were the principal inducements for him to vote for Hope and Scott, *ib.* 947–978.

Witness never used any influence over Dunnage to induce him to vote for Messrs. Hope and Scott, nor did he ever say to him he might as well vote for them and get 5*l.*, *Parton* 3371–3377. 3403–3409——Evidence as to witness having discharged a man of the name of Lee, who has given evidence before this Committee on the subject of witness having promised Dunnage 5*l.*, *ib.* 3378–3402. 3416, 3417. 3420–3422. 3424–3441. 3445, 3446——Witness has also discharged Dunnage for very gross neglect, *ib.* 3418, 3419.

3. Case of Lamb:

Witness has never asked a man of the name of Lamb whether 5*l.* or 10*l.* would be of use to him, nor has he ever made him any offer of money, *Marley* 2605–2617. 2784–2788. 2812, 2813.

4. Case of Lower:

Witness has been clerk to Mr. John Monkton, of Maidstone, for about nine-and-twenty years, *Giles* 3065–3067——Is employed to collect his rents, *ib.* 3068——Knows Henry Lower, one of his tenants; he is sometimes in arrear of rent; witness applies to him for his rent, in the same way as he does to the other tenants; applies every Monday, *ib.* 3069–3072——Shortly before the last election, Lower asked witness to write him a letter, pressing for payment of his arrears of rent, and witness did so; Mr. Monkton was angry with witness for doing so, and charged him with having written it with reference to the election, *ib.* 3073–3090——Witness has never given Lower to understand that his arrear of rent would be forgiven him, *ib.* 3091–3110.

Report, 1857—*continued.*

BRIBERY—continued.

III. *Refutation of these Allegations*—continued.

4. Case of Lower—*continued.*

Witness does not find that people generally pay up their arrears of rent in Maidstone just after an election, *Giles* 3111-3117——Witness has no recollection that when Lower asked him to write this note he stated he expected to get it paid up at the election, *ib.* 3118-3134——Evidence as to the amount of arrears due from Lower at the time witness wrote; witness wrote for 11*l.*, but only between 7*l.* and 8*l.* was due, *ib.* 3166-3191——Mr. Giles is the collector of witness's rents, *Monkton* 3195——Has a tenant of the name of Henry Lower, *ib.* 3196——At the last election witness did not in any way authorise Giles to write a letter to Lower for his rent, *ib.* 3197, 3198——Witness has given no authority to Giles, or any one else, to forgive Lower any arrears of rent, *ib.* 3199.

Witness recollects calling upon Lower, a voter, a few days before the last Maidstone election, *Joslen* 3214, 3215——Lower on this occasion showed witness a letter as coming from Mr. Monkton, requesting payment of his rent; witness stated that he thought it came without Mr. Monkton's sanction, *ib.* 3216-3227——Evidence as to Lower having told witness on the evening before the election, that he had been offered 10 gold sovereigns if he would vote for Lee and Mildmay, *ib.* 3232-3238. 3308-3312——Witness told Lower he had promised Hope and Scott, and if he (Lower) did not fulfil his promise his conduct would be very shameful, *ib.* 3239, 3240.

Witness never gave Lower to understand at any time, either directly or indirectly, that he would be excused his arrears of rent, *Joslen* 3247-3249. 3251-3272. 3278-3282. 3302-3307——Since the election witness has not spoken to Lower about the rent in any way whatever, *ib.* 3313-3327——Witness knew nothing of this rent or arrears till Lower showed him the letter, *ib.* 3339-3343——There was never any conversation between Lower and witness which could be construed into an intimation that Lower was to receive any advantage from voting for Hope and Scott, *ib.* 3328-3338. 3348-3367.

5. Case of Morris:

Is acquainted with a man named Edward Morris; has asked him on several occasions to vote for Hope and Scott; Morris has frequently remarked that nobody ever gave him any money; and witness has told him that he might depend upon it he would not give him or promise him anything, *Marley* 2541-2550. 2708-2746——Witness went to Morris's house on the Friday before the election; took a man of the name of John Hartnup with him; reasons for his so taking Hartnup, *ib.* 2551-2557. 2708-2746——Witness stated in recommendation of Mr. Hope, that he had plenty of money, and he was just the sort of man wanted to represent Maidstone, *ib.* 2566——This observation had reference more particularly to his being a charitable man, and likely to subscribe to the institutions of Maidstone, *ib.* 2567-2569. 2581.

Witness did not make Morris any offer or promise of any description, *Marley* 2570. 2577. 2736-2746——Witness did not hear any observation made by Morris about after-claps, nor did witness ever say that if anything was left in his hands he would see it all right, *ib.* 2571-2580.

Knows Marley; remembers meeting him in the evening before the election, and his asking witness to accompany him to Morris's house; witness does not know that Marley had any particular object in asking him to go with him; did not hide himself under the window, nor did Marley suggest that he should do so; witness did not consider that he went there as an eaves-dropper, *Hartnup* 2857-2868. 2893-2928. 3006-3015. 3040-3064——Evidence generally as to the conversation that took place between Marley and Morris, *ib.* 2869 *et seq.*——Witness stayed all the time Marley was with Morris, and heard all that passed; witness believes that Morris did not see him, *ib.* 2877-2883——Marley never used the words that "he would make it all right," nor did he hold out any offer of money; no observation was made about after-claps, *ib.* 2884-2892——Witness has read the evidence given by Morris before this Committee in the Maidstone paper; this evidence very much astonished witness; particulars as to what Morris said about after-claps, *ib.* 2964-2995. 3018-3039.

6. Case of Orford:

Has known Thomas Orford all his lifetime; at the time of the election he was an assistant to witness's brother, John Doe, *Doe* 3575-3578——May have mentioned the sum of 10*l.* in connexion with Orford's vote, but it has merely been in joke, and Orford must have known so, *ib.* 3579-3601. 3607-3619——Witness never got 10*l.* for his vote himself, and would never take it, *ib.* 3607-3609.

7. Case of Sturgis:

Witness did not say to Mr. Goodwin that if he would give him 5*l.* he would vote for Hope and Scott, *Sturgis* 686. 695——Witness's reason for giving evidence is, that he feels disappointed in the promise that was made to him, *ib.* 743-756.

Evidence

Report, 1857—*continued.*

BRIBERY—continued.

III. *Refutation of these Allegations*—continued.

7. Case of Sturgis—*continued.*

Evidence relative to witness having met with a man of the name of Sturgis at the Duke of Marlborough, on the evening of the nomination, at Maidstone, and canvassing him for his vote, *Goodwin* 3623-3685. 3690-3750——Sturgis has never made any application to witness for money since the election, *ib.* 3687-3689——Till Sturgis gave his evidence before this Committee, witness did not know that it had been alleged that he had bribed him, *ib.* 3751-3766——At witness's interview with Sturgis at the Duke of Marlborough, Sturgis said 5*l.* would be of great use to him, and asked witness if he would get it for him; witness's reply was, that if the election depended upon his vote, he would not give it him, *ib.* 3767-3800——Witness's object in taking Sturgis from the Duke of Marlborough to the Tuns was, that he should not be interfered with by the Blues, *ib.* 3853-3876.

Evidence relative to Mr. Goodwin and Mr. Baker having conducted Sturgis to the Three Tuns; Sturgis was very drunk, *Argles* 3890-3905——Witness accompanied them, but did not hear Mr. Goodwin say one word about giving Sturgis 15*l.* or 20*l.* for his vote, *ib.* 3906-3909. 3945-3951——Evidence relative to witness having accompanied Mr. Goodwin, Mr. Argles, and Sturgis from the Duke of Marlborough to the Tuns on the night before the election; Sturgis was very tipsy, *Baker* 4003-4013——Witness walked arm in arm with Mr. Goodwin and Sturgis all the way, and did not hear a word about 15*l.* or 20*l.* as the price of his vote, *ib.* 4014-4018. 4090-4093.

8. Case of Turner:

Contradiction of the statement made by George Turner that witness, on canvassing him, had said to him that he would make it all right, whatever the figure was, *Marley* 2582-2604. 2747-2771——Witness never made him any offer of money, nor was any allusion ever made to money in his conversation with him, *ib.* 2582-2604.

IV. *Resolution of the Committee:*

Resolution that the evidence has been very unsatisfactory and contradictory, and that there has been no sufficient proof of corrupt practices at the late election, *Rep. p.* iii.

See also *Elections of* 1841 *and* 1847. *Petition. Undue Influence.*

C.

Canvass of Electors. Witness has been canvassed by Mr. Hope and Captain Scott and their party; has seen Marley with them twice when they have been canvassing, *Morris* 189-200. 212-224——Witness has seen Mr. Hope and Captain Scott canvassing with Marley, *Lee* 400-410——Witness had been canvassed by Mr. Scott before the election, but witness did not promise him, *Richard Mills* 1073-1076——Witness has known Mr. Atkins, the paper maker, for some years; he is a journeyman, working at a mill; he sometimes goes with the Blues and sometimes with the Purples, *Swan* 1090-1094——Has seen him with Mr. Hope and Captain Scott when they have been canvassing, *ib.* 1095-1103.

Evidence as to witness having been polled by Mr. Hope, Captain Scott, and Mr. Wickham, *Lower* 1143-1155——Witness is a carpenter residing in Perrifield-place, Maidstone; knows Mr. Lower; remembers being in his shop when a party came in to canvass, *Pratt* 1365-1369——The party comprised Mr. Joslen, Mr. Hope, Captain Scott, and Mr. Wickham, *ib.* 1371-1376——Witness has canvassed with a man of the name of Marley; other parties with whom witness has canvassed, *Scott* 4287-4303.

See also *Agents. Bribery. Undue Influence.*

Central Committee. Witness never attended the central committee; in fact, he does not know whether there was a central committee or not, *Marley* 2672-2675——The Conservative party had no central committee at the last election, *Gilliam* 3564-3573.

See also *Committee Rooms.*

Charities. Evidence as to witness having subscribed to various charities during his membership, *Hope* 4173-4181. 4188-4223.

Cole, William. (Analysis of his Evidence.)—Labourer, living in the London-road, Maidstone, 1726——Had a vote for the last election; voted for Hope and Scott, 1727, 1728——Witness voted for Messrs. Hope and Scott according to his own judgment; never was canvassed by no one, and never wants no canvassing, 1729-1740.

Coleman, Mrs. Emily. (Analysis of her Evidence.)—Wife of Charles Coleman, gardener at Fontfield; remembers Mr. Hope calling on witness's husband in company with Mr. Marley, about a fortnight before the election, 1910-1916——Mr. Coleman was not at home, and witness gave Mr. Marley to understand that he must not expect her husband's vote, 1917-1923.

Report, 1857—*continued.*

Committee Rooms. Witness is a waiter living at No. 5, Wharf-lane, Maidstone; has been for some years employed as a waiter at the Bell Hotel; was then, at the time of the election, *Abnett* 13-20——Remembers Mr. Hope and Captain Scott coming to Maidstone, *ib.* 21——Evidence as to a room at the Bell having been taken as a committee-room about a week before the election, *ib.* 22-29——Witness has seen Mr. Hope and Captain Scott there about that time, and also at various times during the week; they usually stopped about five minutes or so, *ib.* 30-37. 127-133. 146-159——Witness always considered that it was engaged as Mr. Hope's and Captain Scott's committee-room, and that a Mr. Pearson so engaged it, *ib.* 37. 114-122. 134-145——Other parties witness has seen in this room at different times, and sometimes when Mr. Hope and Captain Scott were there, *ib.* 38-55. 77-92.

Witness did not see either Mr. Hope or Captain Scott at the Bell on the polling-day, *Abnett* 123-126. 161——Witness was at the room called the Auction-room at the Prince of Wales for some hours on the day of the election; Marley was then very busy taking voters up to the poll, *Turner* 316-339. 371-375——Knows the room belonging to Mr. Amiss, the baker, which was used as a committee-room in the High-street ward by the Purple party, *Reynolds* 1941, 1942——Has seen Mr. Hope there, and also Mr. Joslen and Mr. Wickham, and Mr. Lawrence and Simmonds, *ib.* 1943-1958——Witness is a supporter of the Blue party, and watched this committee-room for the purpose of seeing who went in and out; witness had every reason for supposing that Joslen was a committee-man, *ib.* 1959-1977——Witness never saw Mr. Marley at this committee-room, *ib.* 1978, 1979——Witness has attended the committee-room at the Bell; purpose for which he went there, and parties whom he there met, *Marley* 2676-2707.

See also *Central Committee.*

Committees. Witness has seen Mr. Hope and Captain Scott going in and out of the Bell, *Lower* 2241-2243——Witness believes Mr. Goodwin was at this room on the Friday before the election, *ib.* 2245, 2246——The committee held at the Prince of Wales is the Westborough ward committee for the purposes of the municipal duties; it has been in existence four or five years, *Marley* 2796-2800.

Constitutional Society. Witness has been a member of the Constitutional Society about two years; Mr. Pearson, Mr. Hope's election agent, is the secretary; mode of election of members; periods of meeting; how far any subscriptions are paid; places where the meetings are held, *Lower* 2104 *et seq.* 2252-2257——Evidence showing that Messrs. Hope and Scott have at various times attended the meetings of this society, and made speeches, *ib.* 2114-2118. 2130-2134. 2143-2152. 2183-2189. 2266-2275——Witness believes that Mr. Goodwin, Mr. Joslen, Mr. Monkton, Mr. Gilliam and Mr. Benjamin Ruck were members of the society, *ib.* 2117. 2153-2179. 2181-2186.

Witness took a great interest in the formation of the Constitutional Society, but did not become a member of it, *Cooke* 2470. 2487-2496——Evidence relative to a speech reported in the "Kentish and South Eastern Advertiser," made by Mr. Hope at a meeting of the society on the 18th March, in which he is reported to have said that "With regard to you and me, we know how to carry the election as we like, how we like, and when we like," *ib.* 2473-2486. 2497-2506. 2514-2517——Witness believes it was noised abroad shortly afterwards, that these words were intended to have some reference to bribery, *ib.* 2518——Witness remembers Mr. Hope attending a meeting shortly afterwards, and repudiating any such meaning, *ib.* 2519-2522——At the time they were uttered, witness did not understand these words to have anything to do with bribery at all, *ib.* 2523-2525.

Witness is a member of the Constitutional Society; was present at the meeting when Messrs. Hope and Scott were received as candidates, *Marley* 2644-2651. 2821, 2822——How far witness was instrumental in introducing Morris to Messrs. Hope and Scott, *ib.* 2652-2671——Nature, object, and constitution of the Constitutional Society; meetings of the society, *ib.* 2814-2820.

Witness is a member of the King-street ward committee of the Constitutional Society, *Goodwin* 3622——Witness has been a member of the society about three years; believes its affairs are managed by a committee, but does not know; believes Mr. George Wickham is a member of the committee, *ib.* 3801-3804——How far the different committees of this society formed for the different wards for the purpose of municipal elections act on the occasion of general elections, that is, Parliamentary elections, *ib.* 3805-3834. 3846-3852——Witness is a member of the society, and of the King-street ward committee for municipal purposes; this committee was held at the Bell, and witness may have seen Mr. Hope there, *Argles* 3952-3970.

Evidence relative to the formation of the Constitutional Society; it is a sort of convivial society, *Scott* 4249-4255. 4259-4262.

See also *Treating.*

Report, 1857—*continued.*

Cooke, Charles James. (Analysis of his Evidence.)—Printer at Maidstone; editor, proprietor, and reporter of the "Maidstone Journal," 2467, 2468——Did a great deal of printing, and so on, for Mr. Hope and Captain Scott at the last election, 2469. 2510–2513——Witness took a great interest in the formation of the Constitutional Society, but did not become a member of it, 2470. 2487–2496——Evidence relative to a speech reported in the "Kentish and South Eastern Advertiser," made by Mr. Hope, at a meeting of the Constitutional Society, on the 18th of March, in which he is reported to have said, that "With regard to you and me, we know how to carry the election as we like, how we like, and when we like," 2473–2486. 2497–2506. 2514–2517.

Witness believes it was noised abroad shortly afterwards that these words were intended to have some reference to bribery, 2518——Witness remembers Mr. Hope attending a meeting shortly afterwards, and repudiating any such meaning, 2519–2522——At the time they were uttered, witness did not understand these words to have anything to do with bribery at all, 2523–2525——It has always been customary for the members of the Constitutional Society to have drink at their meetings, 2529–2537.

Corrupt Practices. Resolution of the Committee that the evidence given before them has been very unsatisfactory and contradictory; and although there has been no sufficient proof of corrupt practices at the late election, it appears that a sum of 3,500*l.* was paid in the year 1847 for the expenses of one candidate, although there was no contest; *Rep. p.* iii.

See also *Bribery.* *Elections of* 1841 *and* 1847. *Purity of Election.* *Treating.* *Undue Influence.*

D.

Diprose, William. (Analysis of his Evidence.)—Cooper; knows Mr. Charles Baker, a cooper; worked for him before the election; is now working for Mr. Leney, a brewer, at Wateringbury, 1578–1583——Had a vote at the last election; voted for Mr. Hope and Captain Scott, 1584, 1585——Received letters on behalf of Lee and Mildmay, but was not canvassed by anybody for them, 1586–1591——Charles Baker went to the poll with witness, 1592, 1593——After the polling, witness went to Mr. Baker's office, and sent in word to him that he was short of money, and he sent down a sovereign by his foreman; witness has paid back 15*s.* of this, 1594–1620. 1665–1671. 1724, 1725——Evidence relative to the conversation which took place between witness and Mr. Baker in going up to the poll together; witness told him at that time that he was short of money, 1596–1610. 1628–1651.

Witness had been apprenticed to Mr. Baker for seven years, but had left his service some months before the election, 1621–1627. 1652–1654——At the time of witness's leaving Mr. Baker, he advanced him the money to buy a set of tools; he has also since advanced small sums of money to witness when he has been short, 1655–1664——Witness still owes Mr. Baker something, 1672, 1673——Statement which has since been made to witness by Mr. Baker that he owes him this sovereign; observation made by witness that he thought it was for his expenses, 1674–1719. 1724, 1725——When witness voted for Hope and Scott, he had no expectation of getting money, 1723.

Diprose, W. See *Bribery*, II. III.

Doe, Stephen. (Analysis of his Evidence.)—Butcher, at Maidstone, 3574——Has known Thomas Orford all his lifetime; at the time of the election, he was an assistant to witness's brother, John Doe, 3575–3578——May have mentioned the sum of 10*l.* in connexion with Orford's vote, but it has merely been in joke, and Orford must have known so, 3579–3601. 3607–3619——Witness never got 10*l.* for his vote himself, and would never take it, 3607–3609.

Dunnage, Henry. (Analysis of his Evidence.)—Miller, living in Wheeler-street, Maidstone, at the last election; worked for a man of the name of Parton, 837–840——Is now living in London; is employed at the Great Northern Steam Flour Mills, 841——Had a vote at the last election; it had been objected to by the Conservatives, and supported by the Liberals, 847–850——A day or two before the election, witness was canvassed by Mr. Hope and a person of the name of Gilliam; statement made by witness that he considered himself bound to the Liberals, and would not promise, 851–862.

Evidence as to witness having seen Mr. Parton, his late master, on the nomination day, and as to his having asked witness to vote for Hope and Scott, stating that he might as well vote for them and get 5*l.*, as vote for the other party and get nothing, 863–867. 918–921——Saw Mr. Hope and Mr. Gilliam again on the same day, and was again canvassed by Mr. Hope, but would not promise, 868–880——Witness saw Gilliam again in the evening, when he laid his hand on witness's shoulder, and said, "You may take my word as a man, if you vote for Mr. Hope you will not regret it," and witness then promised to vote for him, 881–885.

Report, 1857—*continued.*

Dunnage, Henry. (Analysis of his Evidence.)—continued.

Evidence relative to witness meeting Mr. Gilliam about the first or second week in May; conversation they had respecting the petition presented against the return of Messrs. Hope and Scott; 886, 887.

Particulars relative to witness's dismissal by Mr. Parton, 888–894——Evidence as to the occasion on which, and the party to whom, witness first made the statement as to his having been promised anything for his vote, 895–907. 979–983——Witness does not recollect saying anything to Mr. Gilliam to the effect that a little assistance would be very acceptable, nor Mr. Gilliam's replying that he would not give a fraction for any vote, 908–917——How far witness has since been to Gilliam's house to ask any assistance, 922–946——The advice of his employer, and the promise given to him by Mr. Gilliam, on behalf of Mr. Hope, that he should not regret it, were the principal inducements for him to vote for Messrs. Hope and Scott, 947–978.

Dunnage, H. See *Bribery,* II. 2. III. 2.

E.

Elections of 1841 *and* 1847. When witness stood for Maidstone in 1847 he sent a sum of 3,500 *l.* to Maidstone after the election; this was to pay his election expenses; witness did not inquire how this sum was to be distributed, *Hope* 4136–4151. 4168. 4238, 4239——After the election of 1841 witness had sent a similar sum to Maidstone to that sent in 1847, *ib.* 4136. 4169–4172.

Reference by the Committee to the expenditure of 3,500 *l.* in 1847, though there was no contest, *Rep. p.* iii.

Expenses of Election. The auditor's accounts were delivered to witness finally on the 22d June; the total amount was 413 *l.* each candidate; this statement has not been published in the newspapers, *Beale* 1479–1483——Explanation of one item, "Hire of the committee-room, 24 *l.* 10 *s.* 7 *d.*," *ib.* 1484–1489——Amount of the accounts furnished to witness in behalf of Mr. Lee and Mr. Mildmay, *ib.* 1490–1495——Messrs. Lee and Mildmay's agency account was sent to witness on the 17th June; another account was sent afterwards, *ib.* 1502–1516.

When witness came forward at the late election there was no understanding that he should clear off any old score left due to the bank by the Conservative party, *Hope* 4137–4150.

See also *Bribery.* *Elections of* 1841 *and* 1847.

F.

Ford, John Richard. (Analysis of his Evidence.)—Plumber, living at Maidstone; believes he has seen Mr. Goodwin canvassing with Messrs. Hope and Scott, 1801–1803.

G.

Giles, Edward. (Analysis of his Evidence.)—Has been clerk to Mr. John Monkton, of Maidstone, about nine and twenty years, 3065–3067——Is employed to collect his rents, 3068——Knows Henry Lower, one of his tenants; he is sometimes in arrear of rent; witnes applies to him for his rent in the same way as he does to the other tenants; applies every Monday; 3069–3072——Shortly before the last election Lower asked witness to write him a letter pressing for payment of his arrears of rent, and witness did so; Mr. Monkton was angry with witness's having written this letter, and charged him with having written it with some motive with reference to the election; 3073–3090.

Witness has never given Lower to understand that his arrear of rent would be forgiven him; amount of the arrears now due; this has been accruing for many months; he sometimes pays something on account, and this is entered in a book kept by the tenant; this book produced, 3091–3110——Witness does not find that people generally pay up their arrears of rent in Maidstone just after an election, 3111–3117.

Witness has no recollection that when Lower asked him to write this note he stated that he expected to get it paid up at the election, 3118–3134——It is very possible witness may have sent him a note of this kind before; he writes occasionally to all the tenants who are in arrear, 3135–3138——When Mr. Monkton found fault with witness for writing this note, Mr. Joslen's name was not in any way mentioned in the transaction, except by Lower, who stated that he had shown it to Mr. Joslen; Mr. Joslen never spoke to witness on the subject, 3138–3165——Evidence as to the amount of arrears due from Lower at the time witness wrote; witness wrote for 11 *l.*, but only between 7 *l.* and 8 *l.* was due, 3166–3191.

Goodwin,

Report, 1857—*continued.*

Goodwin, Thomas. (Analysis of his Evidence.)—Solicitor, practising in Maidstone, 3620, 3621——Is a member of the King-street ward committee of the Constitutional Society, 3622——Evidence relative to witness having met with a man of the name of Sturgis at the Duke of Marlborough on the evening of the nomination at Maidstone, and canvassing him for his vote; Sturgis was drunk at the time; nothing whatever was said as to giving him anything for his vote, or anything of the kind; witness never treated him to anything to drink, either at the Duke of Marlborough or at the Tuns, 3623-3685. 3690-3750——Witness went canvassing on two or three half days, and this is all he has had to do with the election, 3686, 3687——Sturgis has never made any application to witness for money since the election, 3687-3689——Till Sturgis gave his evidence before this Committee, witness did not know that it had been alleged that he had bribed him, 3751-3766——At witness's interview with Sturgis at the Duke of Marlborough, Sturgis said 5 *l.* would be of great use to him, and asked witness if he would get it for him; witness's reply was, that if the election depended upon his vote he would not give it him, 3767-3800.

Witness has been a member of the Constitutional Society about three years; believes its affairs are managed by a committee, but does not know; believes Mr. George Wickham is a member of the committee; 3801-3804——How far the different committees of this society formed for the different wards for the purposes of municipal elections act on the occasion of general elections, that is, Parliamentary elections, 3805-3834. 3846-3852——Witness's object in taking Sturgis from the Duke of Marlborough to the Tuns was, that he should not be interfered with by the Blues, 3853-3876.

Gwilliam, William. (Analysis of his Evidence.)—Farmer living at Maidstone, 3447, 3448——Knows Henry Dunnage, who was formerly in Mr. Parton's employ, 3449——Evidence relative to witness canvassing Dunnage, in company with Mr. Hope; neither before, at, or after the election did witness do or say anything, either directly or indirectly, to induce Dunnage to give his vote for money, 3450-3467. 3469——Witness never told Dunnage that he hoped the petition would be withdrawn, and that he should be squared off with, 3464, 3465. 3468.

Witness never told Dunnage that, if he voted for Mr. Hope, he would not regret it, 3470-3473——Evidence showing that the committee held at the Bell, at the time of the election, was the same committee that manages the municipal elections for the King-street ward; Mr. Hope has attended there; how far any business connected with the election was carried on there, 3474-3511——Witness has canvassed several times with Mr. Hope; Mr. Marley, Mr. Goodwin, and Mr. Joslen have also canvassed with witness and Mr. Hope; how far these different parties attended the Bell, 3512-3563——The Conservative party had no central committee at the last election, 3564-3573.

H.

Harrison, Thomas. (Analysis of his Evidence.)—Bricklayer, living at No. 21, Wheeler-street, Maidstone, 1008-1010——Has been a voter from two to three years; has never voted before the last election, 1011-1013——Had been canvassed previously to the nomination day, and had promised Lee and Mildmay, 1014-1017——Knows Mr. Ruck, a builder, who has been a bankrupt; remembers seeing him on the day of the polling, 1019-1027——Evidence as to his having asked witness whether he had voted, and witness replying that it was no business of his, 1028-1031——Statement as to his having asked witness to make up his mind to vote for Hope and Scott, and he would have the consideration in due time, 1032-1038. 1041-1048——Witness mentioned this the next day to John Goodwin, 1039-1042.

Hartnup, John. (Analysis of his Evidence.)—Farmer living at Maidstone, 2853-2856——Knows Marley; remembers meeting him on the evening before the election, and his asking witness to accompany him to Morris's house; witness does not know that Marley had any particular object in asking him to go with him; witness stayed outside, and could hear all that passed; did not hide himself under the window, nor did Marley suggest that he should do so; witness did not consider that he went there as an eavesdropper, 2857-2868. 2893-2928. 3006-3015. 3040-3064——Evidence generally as to the conversation that took place between Marley and Morris, 2869 *et seq.*——On Marley asking Morris for his vote for Hope and Scott, Morris said he should not promise; he had not made up his mind, 2869-2872.

Observation made by Marley, that "Here is a gentleman here with 80,000 *l.* a year; it stands to sense that he must do more good for the town of Maidstone than a man with a good deal less"; reply of Morris, that he supposed he should not get any of it, 2869-2876. 2948-2961——Remark made by Marley, that it was of no use Morris talking like that, as he could not promise him anything, 2876-2957——Witness stayed all the time Marley was with Morris, and heard all that passed; witness believes Morris did not see him, 2877-2883——Marley never used the words that "he would make it all right," nor did he hold out any offer of money; no observation was made about afterclaps, 2884-2892.

Report, 1857—*continued.*

Hartnup, John. (Analysis of his Evidence)—*continued.*

After witness and Marley left Morris, witness made the observation that Morris could not construe anything that had been said to him into an offer of anything; witness does not know what put it into his head to make this observation, 2929-2947. 3016, 3017——Witness has read the evidence given by Morris before this Committee in the Maidstone paper; this evidence very much astonished witness, particularly as to what Morris said about "afterclaps," 2962-2995. 3018-3039——How far witness has had any conversation with Marley about Morris's evidence since he read it in the paper, 2962-2995. 3018-3039——Way in which witness was sought out and subpœnaed as a witness, 2962-2995——Evidence as to Marley having tried to persuade Mrs. Morris to get her husband to vote for Hope and Scott, 2996-3005.

Hope, Alexander James Beresford Beresford (a Member of the House). (Analysis of his Evidence.)—One of the Members for Maidstone, 4112——Did not stand as a candidate for Maidstone in 1852, 4113——Witness was first asked about standing for Maidstone in the year 1855; 4116——The parties who waited on witness just previously to the late election, and who stated the prospects of carrying a Tory candidate, were Mr. Randall, Mr. Edwin Stacy, and Mr. Argles, 4117-4122——The understanding was that witness was not to go to the poll unless there was a reasonable hope of success, 4120-4122——Witness continuously and emphatically stated that he would not allow any expenses beyond legitimate expenses, 4123, 4124. 4126, 4127. 4131. 4224-4234. 4240, 4241——How far witness had any acquaintance with a man of the name of Marley, 4128-4130.

Witness has every reason to believe that the late election for Maidstone was as pure a one as any that has ever been had for the borough, 4132-4135——When witness stood for Maidstone in 1847 he sent a sum of 3,500 *l.* to Maidstone after the election; this was to pay his election expenses; witness did not inquire how this sum was to be distributed, 4136. 4151-4168. 4238, 4239——When witness came forward at the late election, there was no understanding that he should clear off any old score left due to the bank by the Conservative party, 4137-4150——After the election of 1841, witness had sent a similar sum to Maidstone to that sent in 1847; 4136. 4169-4172——Evidence as to witness having subscribed to various charities during his membership, 4173-4181. 4188-4223——Reasons for witness retiring from the representation of Maidstone in 1852; 4182-4187——Witness is not prepared to pay hereafter one shilling to anybody on account of this election, in addition to what has appeared in the auditor's accounts; witness would repudiate any such demand, 4188.

Hope, Alexander James Beresford Beresford. The Committee determine that Mr. Hope is duly elected, *Rep. p.* iii.

J.

Joslen, Jonathan Pollard. (Analysis of his Evidence.)—Paper dealer, living in Maidstone; recollects calling upon Lower, a voter, a few days before the last Maidstone election, 3214, 3215——Lower, on this occasion, showed witness a letter, as coming from Mr. Monkton, requesting payment of his rent; witness stated that he thought it came without Mr. Monkton's sanction, 3216-3221——Witness afterwards saw young Mr. Monkton, who gave witness a second letter, stating that the first letter was written without his father's sanction, 3222-3227——Witness read this second letter to Lower, but never asked him about his vote; nor did he make any statement to witness about it, 3228-3231. 3283-3301——Evidence as to Lower having told witness on the evening before the election that he had been offered ten gold sovereigns if he would vote for Lee and Mildmay, 3232-3238. 3308-3312.

Witness told Lower he had promised Mr. Hope and Captain Scott, and if he did not vote according to his promise his conduct would be very shameful, 3239, 3240——Witness saw Lower after the polling, and he said he had polled "all right," 3241-3246——Witness never gave Lower to understand at any time, either directly or indirectly, that he would be excused his arrears of rent, 3247-3249.

Evidence relative to the time at which witness first canvassed Lower for his vote, and as to his going with the candidates to canvass him; never heard Lower make the observation, "If I vote for you, I vote for myself," 3250-3272. 3278-3282——Has canvassed very little with the Sitting Members, 3273-3277.

It was on the nomination day that Lower first showed witness the letter about his rent; witness took the letter away, with Lower's permission, 3283-3301——Lower did not tell witness he would not poll unless he was satisfied about his rent; nor did witness ever say to him, "Oh, you will not be troubled about your rent," 3302-3307——Since the election witness has not spoken to Lower about it in any way whatever, 3313-3327.

On every occasion that witness has seen Lower, he has always told him he must not expect a farthing from him, 3328-3338——Witness knew nothing of this rent or arrears till Lower showed him the letter, 3339-3343——Witness does not know much about Lower's character; but believes he is a drunken man, 3344-3347——There was never

Report, 1857—*continued.*

Joslen, Jonathan Pollard. (Analysis of his Evidence)—*continued.*

never any conversation between Lower and witness which could be construed into an intimation that Lower was to receive any advantage from voting for Hope and Scott, 3348–3367.

L.

Lamb, Alexander. See *Bribery*, II. 4. III. 3.

Larkin, Charles. (Analysis of his Evidence.)—Fishmonger, living at Maidstone; had a vote at the last election; voted for Hope and Lee; 1997——Had been previously canvassed by Messrs. Hope and Scott; Mr. Benjamin Ruck was with them; 1998–2014.

Lee, Edward. (Analysis of his Evidence.)—Workman in the employ of Mr. Parton; remembers Dunnage working there; 984–990——Witness remembers hearing a conversation between Mr. Parton and Dunnage about his vote, 991—— Heard Mr. Parton first ask Dunnage whom he was going to vote for, and after that did not hear anything till he heard 5*l.* mentioned, 992–1003——Witness asked Dunnage what Mr. Parton said, and Dunnage told him he had promised him 5*l.* at Christmas if he would vote for them, 1003–1007.

Lee, Joseph. (Analysis of his Evidence.)—Labourer; works for Mr. Sutton, stonemason; 376–378——Knows Alexander Lamb, and also knows a man named Marley; has seen Marley when witness has been in company with Lamb, and Marley has spoken to Lamb; 379–392——Evidence as to Marley having said to Lamb, "Well, you can give us one, can't you?" and Lamb's replying, "I do not know;" and Marley then stating that "If 5*l.* or 10*l.* would be of any use to him, he knew where Marley lived, 393–397. 411–434. 443–452——Witness first mentioned this the next morning to a man named Turner, 398, 399. 435–437——Witness has since been asked about this conversation, in reference to this petition, by Mr. Wells, one of Lee and Mildmay's committee, 399. 438–442——Witness has seen Mr. Hope and Captain Scott canvassing with Marley, 400–410.

Lower, Henry. (Analysis of his Evidence.)—Boot and shoemaker, living in Earl-street, Maidstone; had a vote at the last election; voted for Hope and Scott; 1104–1110—— Mr. Monkton, a solicitor and town clerk of Maidstone, is witness's landlord; a Mr. Giles collects his rents, 1111–1115——Amount witness was indebted to his landlord for rent just previously to the election, 1116–1121——Evidence relative to an interview witness had with Mr. Giles, at which he gave witness to understand that if he voted for Mr. Hope and Captain Scott it would be all right, 1122–1132. 1156 *et seq.*——Way in which a Mr. Joslen was mixed up with this understanding about the rent, 1137–1149. 1156 *et seq.* ——Evidence as to witness having been polled by Mr. Hope, Captain Scott, and Mr. Wickham, 1143–1155——Witness has no reason to suppose that his rent was paid to Mr. Monkton by the Tory party, 1288. 1346–1364.

[Second Examination.]—Further evidence in detail respecting the letter which witness stated in his former evidence was written to him either by Mr. Monkton or Mr. Giles about his rent, 2015 *et seq.*——The first conversation witness had with Giles about the letter was on the Wednesday before the election, 2016——Assertion made by witness that he did not go to Giles before this letter was written, and ask him to send him a letter about the rent; statement that the writing of the letter was Giles's own proposition; 2016–2034. 2038–2065——Mr. Giles proposed to write the letter for the purposes of the election, and suggested that if witness minded how he voted, his rent would be squared off, 2016–2034. 2038–2065.

Witness produces his rent book; examination on various items therein; 2035–2037 ——Witness believes that Mr. Giles's object in proposing to write this letter to witness was that he might show it to some gentleman of the committee, and there was then no doubt his rent would be paid for him, 2038–2046——After witness received this letter, although he had made this arrangement with Mr. Giles, was doubtful whether Mr. Monkton had not written the letter till he showed it to Mr. Joslen; witness now believes it was written by Giles; 2047–2065——Evidence on the various items in the rent-book produced by witness, showing the various weeks he was let off the rent about the election time, both before and after; evidence as to an arrear which had accrued about the election time, and which was squared; 2066–2103.

Witness has been a member of the Constitutional Society about two years; Mr. Pearson, Mr. Hope's election agent, is the secretary; mode of election of members; periods of meeting; how far any subscriptions are paid; places where the meetings are held; 2104 *et seq.* 2252–2257——Evidence showing that Messrs. Hope and Scott have at various times attended the meetings of this society and made speeches, 2114–2118. 2130–2134. 2143–2152. 2183–2189. 2266–2275——Witness believes that Mr. Goodwin, Mr. Joslen, Mr. Monkton, Mr. Gilliam, and Mr. Benjamin Ruck, were members of the society, 2117. 2153–2179. 2181–2186.

Report, 1857—*continued.*

Lower, Henry. (Analysis of his Evidence)—*continued.*

Evidence as to refreshments having been given at meetings of the Constitutional Society on occasions when Messrs. Hope and Scott were present, 2130–2152. 2180–2224. 2276–2307——Witness was employed at the committee-room at the Bell to carry out a few bills; received 3*s.* a day; Mr. Cogger, who appeared to be one of the committee men, paid witness, 2228–2240——Witness has seen Mr. Hope and Captain Scott going in and out of the Bell, 2241–2243——Witness believes Mr. Goodwin was at this room on the Friday before the election, 2245, 2246——How far it is the practice to have drink at the meetings of the Constitutional Society, 2258–2265——Witness does not know much about Lower's character; but believes he is a drunken man, *Joslen* 3344–3347.

See also *Bribery*, II. 5; III. 4.

M.

Marley, George Sims. (Analysis of his Evidence.) Foreman to Messrs. Tassel & Co., timber merchants; resides in Bridge Terrace, Maidstone, 2538, 2539——At the last election was a supporter of Messrs. Hope and Scott, 2540——Is acquainted with a man named Edward Morris; has asked him on several occasions to vote for Messrs. Hope and Scott; Morris has frequently remarked that nobody ever gave him any money; and witness has told him that he might depend upon it he would not give him, or promise him anything, 2541–2550. 2708–2746——Witness went to Morris's house on the Friday before the election; took a man of the name of John Hartnup with him; reasons for his taking Hartnup up with him, 2551–2557. 2708–2746——Morris's wife was present, and suggested that Morris should promise witness and have done with it; Morris observed also at this time, that nobody ever gave him any money, 2558–2565. 2809–2811.

Witness stated in recommendation of Mr. Hope, that he had plenty of money, and he was just the sort of man wanted to represent Maidstone, 2566——This observation had reference more particularly to his being a charitable man, and likely to subscribe to the institutions of Maidstone, 2567-2569. 2581——Witness did not make Morris any offer or promise of any description, 2570-2577. 2736-2746——Witness did not hear any observation made by Morris about afterclaps; nor did witness ever say that if anything was left in his hands he would see it all right, 2571–2580.

Contradiction of the statement made by George Turner, that witness, on canvassing him, had said to him that he would make it all right whatever the figure was, 2582–2604. 2747–2771——Witness never made him any offer of money, nor was any allusion ever made to money in his conversations with him, 2582–2604——Witness has never asked a man of the name of Lamb whether 5*l.* or 10*l.* would be of use to him; nor has he ever made him any offer of money, 2605–2617. 2784–2788. 2812, 2813——Witness has not at any time during this canvass, or during the election, made any person any offer or promise of money, 2618–2620——Had witness done so he must have done it out of his own pocket; he had no authority to do so, 2618.

Witness is a member of the Westborough ward committee for municipal and general elections; this committee was sitting at the Prince of Wales; witness never saw either Mr. Hope or Captain Scott there, 2621–2638——Witness only canvassed one day in the Westborough ward with Messrs. Hope and Scott, 2639-2643. 2789–2795. 2807, 2808——Witness is a member of the Constitutional Society; was present at the meeting when Messrs. Hope and Scott were received as candidates, 2644–2651. 2821, 2822.

How far witness was instrumental in introducing Morris to Messrs. Hope and Scott, 2652–2671——Witness never attended the central committee, in fact he does not know whether there was a central committee or not, 2672–2675——Witness has attended the committee-room over at the Bell; purpose for which he went there, and parties whom he has met there, 2676–2707——Evidence relative to the part witness took on the polling-day in bringing voters up to the poll, 2772-2783——The committee held at the Prince of Wales, is the Westborough ward committee for the purposes of the municipal elections; it has been in existence four or five years, 2796–2800——Nature, object and constitution of the Constitutional Society; meetings o the society, 2814–2820——Drink is usually introduced at the meetings of the society, and is paid for by those who have it, 2823-2852.

Martin, John. (Analysis of his Evidence.)—Foreman to Mr. Baker; remembers Diprose coming to him on the evening of the polling-day, and his requesting witness to ask Mr. Baker to let him have a sovereign; Mr. Baker sent him out the 1*l.*, and it was entered in the ledger as a loan, 4099–4111.

Messengers. Witness was employed at the committee-room at the Bell to carry out a few bills; received 3*s.* a day; Mr. Cogger, who appeared to be one of the committee-men, paid witness, *Lower* 2228–2240.

Miller,

Report, 1857—*continued.*

Miller, Alfred. (Analysis of his Evidence.)—Grocer and draper, living in Union-street, Maidstone, 1778——Is a voter; voted at the last election for Lee and Mildmay, 1778–1780——Knows a village called Wateringbury; has seen Mr. Goodwin canvassing in company with Mr. Hope and Captain Scott, both at Wateringbury and in Maidstone, 1781–1800——Witness was himself canvassed by them on more than one occasion, 1790–1800.

Mills, Edmund. (Analysis of his Evidence.)—Chemist, living at Wheeler-street, Maidstone; was at the Duke of Marlborough the night before the polling, 1814, 1815——Knows a man of the name of Sturgis very well, 1816——Knows Mr. Goodwin the attorney, 1817——Saw Mr. Goodwin and Sturgis go from the Duke of Marlborough to the Three Tuns, the night before the polling, 1818–1822——Witness has seen Messrs. Hope and Scott canvassing in company with Mr. Goodwin, 1823–1826——Witnessed followed Mr. Goodwin and Sturgis from the Duke of Marlborough to the Three Tuns; reasons for this, 1827–1845. 1862–1879——Witness supposed there was a plant laid upon him by the purple party, 1846. 1851–1861——Witness would not say that Sturgis was intoxicated, 1846–1850. 1880–1885——Witness did not see anything more than that the purple party seemed very anxious to get his vote, 1853–1861.

Mills, Richard. (Analysis of his Evidence.)—Milkman, living in George-street, Maidstone, 1049–1051——Had a vote for the borough at the last election, 1052——Knows Mr. John Atkins the paper-maker, 1053——Witness had been canvassed for Messrs. Lee and Mildmay, and had promised that he would not vote against them, 1054–1059——Evidence as to witness having been promised 5*l.* by Mr. Atkins if he would give the friends of Hope and Scott one vote, 1060–1071. 1078–1086——Reference to the statement made by Mr. Atkins, that he was not authorised by any of his party to make this promise, 1069——Witness voted for Lee and Mildmay, 1072——Witness had been canvassed by Mr. Scott before the election; but witness did not promise him, 1073–1076.

Monckton, John. (Analysis of his Evidence.)—Town clerk of Maidstone, 3194——Giles is the collector of witness's rents, 3195——Has a tenant of the name of Henry Lower, 3196——At the last election witness did not in any way authorise Giles to write a letter to Lower for his rent, 3197, 3198——Witness has given no authority to Giles or anyone else to forgive Lower any arrears of rent, 3199.

Morris, Edward. (Analysis of his Evidence.)—A sawyer living at Maidstone; works at Mr. White's, Bridge Wharf, is a voter, 162–166——Knows a man of the name of George Simms Marley, foreman to Mr. Tassell, the timber merchant, 167, 168. 201–208——Evidence as to his canvassing witness on the nomination night; witness's wife and John Towner were present, 169–173——He asked witness whether he would allow him to put his name down for Hope and Scott, 174——Refusal of witness to do so, 175——Observation then made by Marley, that witness "had better let him, for Hope has got plenty of money, there is no mistake about that;" witness did not promise him, and voted next morning for Lee and Mildmay; 176–188. 209–211.

Evidence relative to an observation made by witness at the time Marley made the remark above-mentioned, that "he had heard talk of their after-claps, but he never see any of them," 178, 179——Reply made by Marley, that "he dare not promise witness even a pint of beer, but when anything was left in his hand he always saw it right," 180——Previously to this witness had been canvassed by Mr. Hope and Captain Scott, and their party; has seen Marley with them twice when they have been canvassing, 189–200. 212–224.

Morris, E. See *Bribery*, II. 7; III. 5.

N.

Naylor, James Richard. (Analysis of his Evidence.)—Clerk in the Crown Office; produces the writ and return for the borough of Maidstone; date of the writ, and date of the return, 1–4——Produces the poll-books; they are not summed up, 5, 6.

O.

Orford, Thomas Roger. (Analysis of his Evidence.)—Butcher at Maidstone; had a vote at the last election; voted for Lee and Mildmay, 1517–1523——Evidence as to witness having been offered 15*l.*, and at another time 12*l.* for his vote, by a man of the name of Stephen Doe, a Purple, 1524 *et seq.*——Witness offered to take it, but on being told that he could not have it till after the election, he refused it, and voted for Lee and Mildmay, 1540——Has not received anything for voting for Mr. Lee, nor has he been promised anything, 1542–1544——Witness will not swear that this offer made by Stephen Doe was not a joke, 1545–1577.

Orford, T. G. See *Bribery*, II. 8; III. 6.

Report, 1857—*continued.*

P.

Parton, Joseph. (Analysis of his Evidence.)—Miller at Maidstone, 3368——A man of the name of Dunnage was in witness's employment, at the time of the election, as a miller's man, 3369, 3370——Witness never used any influence over Dunnage to induce him to vote for Messrs. Hope and Scott; nor did he ever say to him he might as well vote for them and get 5*l.*; 3371–3377. 3403–3409——Evidence as to witness having discharged a man of the name of Lee, who has given evidence before this Committee on the subject of witness having promised Dunnage 5*l.*; 3378–3402. 3416, 3417. 3420–3422. 3424–3441. 3445, 3446——Witness has also discharged Dunnage for very gross neglect, 3418, 3419——Witness has never taken any active part in the election, 3423. 3442–3444.

Patterson, Thomas. (Analysis of his Evidence.)—Draper living at Rochester; went to Maidstone on Monday the 16th March, about a fortnight before the election; went to a meeting of the Constitutional Society at the Corn Exchange, and was there also to a meeting on the Monday previous to the election, 2308–2317. 2336–2342——On both these occasions Messrs. Hope and Scott were sitting there, but did not address the meeting, 2318–2321——A great many people were present, and drink was served out; witness did not see it paid for; this was in the presence of both Mr. Hope and Captain Scott, 2322–2335. 2343–2351.

Pearson, Robert. See *Agents.*

Petition. Particulars as to the way in which witness was applied to to give evidence before this Committee; party who made the application, *Turner* 345–364——Witness has since been asked about his conversation in reference to this petition by Mr. Wells, one of Lee and Mildmay's committee, *Lee* 399. 438–442——Evidence relative to witness meeting Mr. Gilliam about the first or second week in May; conversation they had respecting the petition presented against the return of Messrs. Hope and Scott, *Dunnage* 886, 887——Particulars relative to witness's dismissal by Mr. Parton, *ib.* 888–894——Evidence as to the occasion on which and the party to whom witness first made the statement as to his having been promised anything for his vote, *ib.* 895–907. 979–983.

Way in which witness was sought out and subpœnaed as a witness, *Hartnup* 2962–2965——The Mitre was Mr. Hope's head quarters; evidence as to witness having been sent for to go to the Mitre, and his having had Sturgis's evidence, given before this Committee, read over to him; witness then stated that he could rebut it, *Argles* 3977–4001.

Poll books. Witness produces the poll-books; they are not summed up, *Naylor* 5, 6.

Pratt, Alfred. (Analysis of his Evidence.)—Carpenter residing in Perrifield-place, Maidstone; knows Mr. Lower; remembers being in his shop when a party came in to canvass, 1365–1369——The party comprised Mr. Joslen, Mr. Hope, Captain Scott, and Mr. Wickham, 1371–1376——Reference to a remark made by Lower, on his promising to vote for Hope and Scott, "I vote for you two, I shall vote for myself too;" reply of Mr. Hope, "Certainly you do, certainly you do," 1377–1382——Witness has seen two letters Lower received about his rent, 1383–1390.

Purity of Election. Witness has every reason to believe that the late election for Maidstone was as pure a one as any that has ever been had for the borough, *Hope* 4132–4135; *Scott* 4256–4258. 4274–4285.

Q.

Quinton, Samuel. (Analysis of his Evidence.)—Paper-maker, residing in Ashley-street, Maidstone; works at Messrs. Hollingsworth's mill, 809–812——Remembers being at the Tuns on the polling day; was attracted there by a bill he saw in the window, "A long pull, a strong pull, and a pull altogether, to win the election; a pull for Hope and Scott," 813–822. 832, 833——Witness saw a man named Sturgis there; he was not sober, 823–831. 834–836——This was at half-past five o'clock in the morning, 834, 835.

R.

Representation of Maidstone. Reasons for witness having retired from the representation of Maidstone in 1852, *Hope* 4182–4187.

Requisition to Mr. Hope. Witness was first asked about standing for Maidstone in the year 1855, *Hope* 4116——The parties who waited on witness just previously to the late election, and who stated the prospect of carrying a Tory candidate, were Mr. Randall, Mr. Edwin Stacy, and Mr. Argles, *ib.* 4117–4122——The understanding was, that witness was not to go to the poll unless there was a reasonable hope of success, *ib.* 4120–4122.

Reynolds,

Report, 1857—*continued.*

Reynolds, Thomas. (Analysis of his Evidence.)—Painter in Maidstone, 1937-1939——Knows Mr. Joslen, the stationer, 1940——Knows the room belonging to Mr. Amiss the baker, which was used as a committee-room in the High-street Ward by the Purple party, 1941, 1942——Has seen Mr. Hope there, and also Mr. Joslen and Mr. Wickham and Mr. Lawrence and Simmonds, 1943-1958——Witness is a supporter of the Blue party, and watched this committee-room for the purpose of seeing who went in and out; witness had every reason for supposing that Joslen was a committee-man, 1959-1977——Witness never saw Mr. Marley at this committee-room, 1978, 1979.

Rowles, Thomas. (Analysis of his Evidence.)—Assistant to Mr. Edmead, woollen-draper, of High-street, Maidstone, 1741——Knows Earl-street, 1742——Knows a gentleman of the name of Thomas Goodwin, a solicitor in Maidstone, 1743, 1744——Has seen Mr. Goodwin canvassing with Messrs. Hope and Scott in Earl-street; saw several gentlemen with them, 1745-1760——Witness has seen Mr. Gilliam come out of the Bell, where Hope and Scott's committee sat, arm in arm with Mr. Hope, 1749-1755. 1761-1769. 1772-1776——Witness is a voter; voted for Lee and Mildmay, 1771. 1777.

Ruck, Thomas. (Analysis of his Evidence.)—Working in Mr. Banstead's quarry at Maidstone, 1391, 1392——Remembers working there at a time when Mr. Hope and Captain Scott came; parties who were working with witness at the time, 1393-1396——There were several persons came with Mr. Hope and Captain Scott to the quarry; Mr. Short was one of them, 1397-1401——Evidence as to Short having given the men who were at work some money to get some beer; he was asked for it by one of them of the name of Constable, 1402. 1410-1415——Constable is not a voter, 1402. 1425, 1426——There were only two voters among the men who were at work, and they could not have seen the money thrown down, 1401. 1427-1437. 1469-1472——Parties coming to the quarries to see the fossils are usually in the habit of giving the men some allowance or beer money, 1411-1414. 1460-1464.

S.

Scott, Captain Edward. (Analysis of his Evidence.)—Member for Maidstone, and resident at Maidstone, 4245-4248——Evidence relative to the formation of the Constitutional Society at Maidstone; it is a sort of convivial society, 4249-4255. 4259-4262——Witness is not aware of any undue influence having been resorted to for the purpose of carrying witness's or Mr. Hope's election; he is perfectly sure that there never was a purer election than the one in 1857; 4256-4258. 4274-4285——Witness never heard that there was a debt due to the bank from the Conservative party, 4263-4270. 4286——Witness does not recollect having stated at a meeting of the Constitutional Society, that he wished every man had 20 *l.* for his vote, 4271-4273——Witness has canvassed with a man of the name of Marley; other parties with whom witness has canvassed, 4287-4303.

Scott, Captain Edward. The Committee determine that Captain Scott is duly elected, *Rep. p.* iii.

Smith, Timothy. (Analysis of his Evidence.)—Plasterer, living at Maidstone, and an elector, 2404, 2405——Remembers going to the Corn Exchange on the 16th March; Messrs. Hope and Scott were there; witness saw beer served out in cans, 2406-2414. 2427-2444. 2454-2466——Witness was not a member of the Constitutional Society, and was turned out of the room, 2415-2426. 2447-2453.

Smith, William. (Analysis of his Evidence.)—Timber merchant, residing in Maidstone, 1924——Knows Mr. Hope and Captain Scott; has several times seen Mr. Marley and Mr. Goodman canvassing with them, 1924-1928.

Sturgis, John. (Analysis of his Evidence.)—Was formerly a baker at Maidstone; is now living in Bermondsey, but working as a labourer at a hay and straw wharf in the Commercial-road, Waterloo-bridge, 453-456. 612-644——Witness finding his name was still on the register at Maidstone went down at the late election to vote, 457-460, 645, 646——Evidence as to witness having been to numerous public-houses after his arrival at Maidstone, and as to his having met with Mr. Goodwin, a solicitor of Maidstone, at the Duke of Marlborough, and afterwards repairing with him to the Tuns, 461-524. 531-609——Promise made by Goodwin to witness on their way to the Tuns, that if he would vote for Hope and Scott he should have from 15 *l.* to 20 *l.*; reply made by witness, that that was just what he wanted, 525-530. 670-685.

Witness has never received anything from Mr. Goodwin, but voted for Mr. Hope and Captain Scott because he was promised from 15 *l.* to 20 *l.*; 610, 611. 737-742——Although witness had been to various public-houses he was not drunk when he met with Mr. Goodwin, 647-669. 696-714——Witness did not say to Mr. Goodwin that if he would give him 5 *l.* he would vote for Hope and Scott, 686-695——Witness was not aware that offering or accepting a bribe is a crime, 718, 719. 736——Witness's reason for giving evidence is, that he feels disappointed in the promise that was made him, 743-756.

Report, 1857—*continued.*

Sturgis, J. See *Bribery*, II. 9; III. 7.

Swan, Thomas. (Analysis of his Evidence.)—A gardener, living at Tovill, about a mile out of Maidstone, 1087–1089——Has known Mr. Atkins, the paper-maker, for some years; he is a journeyman working at a mill; he sometimes goes with the Blues, and sometimes with the Purples, 1090–1094——Has seen Atkins with Mr. Hope and Captain Scott when they have been canvassing, 1095–1103.

T.

Towner, John. (Analysis of his Evidence.)—Sawyer, living at Maidstone; lodges with Mr. Edward Morris, 225–229——Knows a man of the name of Marley very well, 230——Saw him at Morris's house on the evening of the day of nomination at Maidstone; heard what passed between them, 231–238——Reference to an observation made by Marley to Morris, when Morris would not promise his vote, that "Hope has got plenty of money, there is no mistake about that;" and Morris's reply, "that he had heard talk of them after-claps, but never see any of them;" and as to the further statement of Marley, that he did not dare promise even half a pint of beer, but that if anything was left in his hand he would see that all was right, 239–241. 247–266. 274——Witness did not make any memorandum of this conversation, but has recollected it ever since; period at which he first mentioned it to any one, 267–273. 282–289.

Treating. Witness is working in Mr. Banstead's quarry at Maidstone, *Ruck* 1391, 1392——Witness remembers working there at a time when Mr. Hope and Captain Scott came; parties who were working with witness at the time, *ib.* 1393–1396——There were several persons came with Mr. Hope and Captain Scott to the quarry; Mr. Short was one of them, *ib.* 1397–1401——Evidence as to Short having given the men who were at work some money to get some beer; he was asked for it by one of them of the name of Constable, *ib.* 1402–1410. 1415——There were only two voters among the men who were at work, and they could not have seen the money thrown down, *ib.* 1401. 1427–1437. 1469–1472——Parties coming to the quarries to see the fossils are usually in the habit of giving the men some allowance or beer money, *ib.* 1411–1414. 1460–1464.

Evidence as to refreshments having been given at meetings of the Constitutional Society on occasions when Messrs. Hope and Scott were present, *Lower* 2276–2307. 2130–2152. 2180–2224——How far it is the practice to have drink at the meetings of the Constitutional Society, *ib.* 2258–2265——Draper, living at Rochester; went to Maidstone on Monday the 16th March, about a fortnight before the election; went to a meeting of the Constitutional Society at the Corn Exchange, and was there also to a meeting on the Monday previous to the election, *Patterson* 2308–2317. 2336–2342——On both these occasions Messrs. Hope and Scott were sitting there, but did not address the meeting, *ib.* 2318–2321——A great many people were present, and drink was served out; witness did not see it paid for; this was in the presence of both Mr. Hope and Captain Scott, *ib.* 2322–2335. 2343–2351.

Witness went to the Corn Exchange on the 16th March; saw drink served out there; Mr. Hope and Captain Scott were present, *West* 2352–2375. 2391——It was a meeting of the Constitutional Society, of which witness is not a member; neither is he a voter; after he had been there a few minutes, he was consequently walked out, *ib.* 2376–2390. 2392–2403——Remembers going to the Corn Exchange on the 16th March; Messrs. Hope and Scott were there; witness saw beer served out in cans, *Smith* 2406–2414. 2427–2444. 2454–2466——Witness was not a member of the Constitutional Society, and was turned out of the room, *ib.* 2415–2426. 2447–2453——It has always been customary for the members of the Constitutional Society to have drink at their meetings, *Cooke* 2529–2537——Drink is usually introduced at the meetings of the society, and is paid for by those who have it, *Marley* 2823–2852.

Turner, George. (Analysis of his Evidence.)—Lives at Maidstone; is a voter; works for Messrs. Suttons, masons, 290–296——Knows a man named Marley, 297——Recollects his calling on witness on the Sunday evening previous to the day of nomination, 298–302——Evidence as to his asking witness for his vote, and on witness telling him he had promised, his having stated that if he could give him one for Mr. Hope he would make everything right, 303, 304. 367–370——Request made by Marley that witness should leave word at his house on the Monday whether he would vote for Mr. Hope, and he would make the figure all right, whatever it was, 305–315. 340–344——Witness did not go to his house, but voted for Lee and Mildmay, 312–315——Witness was at the room called the auction-room at the Prince of Wales for some hours on the day of the election; Marley was there, very busy taking voters up to the poll, 316–339. 371–375——Particulars as to the way in which witness was applied to to give evidence before this Committee; party who made the application, 345–366.

Turner, G. See *Bribery*, II. 10; III. 8.

Report, 1857—*continued.*

U.

Undue Influence. A man of the name of Dunnage was in witness's employment as a miller's man at the time of the election, *Parton* 3369, 3370——Witness has never taken any active part in the elections, *ib.* 3423. 3442–3444——Knows Henry Dunnage, who was formerly in Mr. Parton's employment, *Gwilliam* 3449——Evidence relative to witness canvassing Dunnage in company with Mr. Hope; neither before, at, or after the election did witness do or say anything, either directly or indirectly, to induce Dunnage to give his vote for money, *ib.* 3450–3467. 3469——Witness never told Dunnage that he hoped the petition would be withdrawn, and that he should be squared off, *ib.* 3464, 3465. 3468——Witness never told Dunnage that if he voted for Mr. Hope he would never regret it, *ib.* 3470–3473.

Witness knows William Diprose; he was apprenticed to witness seven years; left witness's service in August 1856, *Baker* 4019–4024——Witness, during Diprose's apprenticeship, and since, has frequently lent him small sums of money, and has a regular debtor and creditor account with him, *ib.* 4025–4033——Diprose accompanied witness to the poll at the late election, and they voted together; witness had in no way attempted to influence him as to his vote, *ib.* 4034–4046.

Witness is not aware of any undue influence having been resorted to for the purpose of carrying either his or Mr. Hope's election, *Scott* 4256–4258. 4274–4285.

W.

Ward Committees. Witness is a member of the West Borough Ward Committee, for municipal and general elections; this committee was sitting at the Prince of Wales; witness never saw either Mr. Hope or Captain Scott there, *Marley* 2621–2638.

Wells, Thomas. (Analysis of his Evidence.)—Tailor living at Maidstone; particulars relative to an altercation witness had at the Duke of Marlborough with Mr. Goodwin, a solicitor, of Maidstone, respecting the vote of a man of the name of Sturgis, who had promised to vote for Lee and Mildmay, 757–789. 792–808——Witness took an active part in favour of Lee and Mildmay, 790, 791.

West, John. (Analysis of his Evidence.)—Artificial stone worker; went to the Corn Exchange on the 16th March; saw drink served out there; Mr. Hope and Captain Scott were present, 2352–2375. 2391——It was a meeting of the Constitutional Society, of which witness is not a member, neither is he a voter; after he had been there a few minutes, he was, consequently, walked out, 2376–2390. 2392–2403.

Writ and Return. Clerk in the Crown Office; produces the writ and return for the borough of Maidstone; date of the writ and of the return, *Naylor* 1–4.

MAIDSTONE ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MAIDSTONE BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1857.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1857.

[*Price* 1 *s.* 9 *d.*]

186—Sess. 2.

Under 2

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MALDON BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1857.)

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1857.

Martis, 14° *die Julii*, 1857.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the Borough of Maldon:

Henry James Baillie, Esq.	Hon. Henry Arthur Cole.
William Edward Baxter.	Robert Duncombe Shafto.

Chairman, Sir JOHN TROLLOPE, Bart.

Mercurii, 15° *die Julii*, 1857.

Ordered, That the Petitions relative to the said Election be referred to the Committee.

Ordered, That the said Committee do meet To-morrow, at Eleven o'clock, in one of the Committee-Rooms of the House.

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PROCEEDINGS OF THE COMMITTEE - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - p. 1

REPORT.

MALDON ELECTION COMMITTEE.

Martis, 21° *die Julii*, 1857.

The House informed, That the Committee had determined,—

That Thomas Sutton Western, Esq., is duly elected a Burgess to serve in the present Parliament for the Borough of Maldon:

That John Bramley-Moore, Esq., is duly elected a Burgess to serve in the present Parliament for the Borough of Maldon.

House further informed, That the Committee had agreed to the following Resolutions:—

That it was proved to the Committee, that Joseph Riley attempted to bribe Henry Gozzett by the promise of a Contract for work at a Church of which the said Joseph Riley was the Churchwarden:

That the said Joseph Riley offered to bribe Thomas Webb by the promise of a supply of flour for one year under the market price:

That the said Joseph Riley was proved to have engaged rooms at the Wellington Inn, where treating was extensively carried on upon the day of polling; but it was not proved, to the satisfaction of the Committee, that the acts of bribery or treating were committed with the cognisance or privity of the said Thomas Sutton Western or his Agents:

That in the opinion of the Committee, the meaning and intent of the Act of the 17th and 18th Vict., c. 102, s. 15, for the appointment of an Election Auditor, was rendered nugatory by the fact, that the son and partner of the Agent of the Sitting Member held that office, whereby he became the Auditor of his own accounts:

That the Petition presented against the Return of the said John Bramley-Moore, Esq., was frivolous and vexatious:

That the said Petition was presented chiefly with the view of inducing other persons to withdraw a Petition presented against the Return of Thomas Sutton Western, Esq.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 16° die Julii, 1857.

NAMES of the Members called over; all present.

The Committee agreed to the following Resolutions:—

1. "That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. "That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. "That the Committee expect that with respect to cases of bribery, or offers or promises of money or other valuable consideration, which it is intended to bring home to the Sitting Member, or his agents, the Counsel for the Petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. "The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. "That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. "That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. "The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. "That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee."

The Petition of *George Montague Warren Peacocke*, complaining of an undue election for the Borough of Maldon, and praying that the election and return of *Thomas Sutton Western*, Esq., may be declared wholly null and void, read.

Counsel for the Petitioner, Mr. *Edwin James*, Q. C., Mr. *Slade*, Q. C., and Mr. *Rodwell*.

Agents, Messrs. *Baxter, Rose, & Norton*, and Mr. *Codd*.

The Petition of *Stephen Clarke* the younger and others, against the return of *John Bramley-Moore*, Esq., read.

Counsel for Petitioners, Mr. *Phinn*, Q. C., Mr. *Welsby*, and Mr. *Bushby*.

Agents, Messrs. *Digby & Son*, and Mr. *Cooper*.

Counsel for Sitting Member (Mr. *Western*), Mr. *Phinn*, Q. C., Mr. *Charnock*, and Mr. *Bushby*.

Agents, Messrs. *Digby & Son*, and Mr. *Cooper*.

Counsel for Sitting Member (Mr. *Bramley-Moore*), Mr. *Edwin James*, Q. C., Mr. *Slade*, Q. C., and Mr. *Rodwell*.

Agents, Messrs. *Baxter, Rose, & Norton*, Mr. *Hance*.

The Committee decided that the Sitting Members should use their own discretion as to remaining in the room.

Mr. *Edwin James* opened the case in support of the Petition of *George Montague Warren Peacocke*, against the return of *Thomas Sutton Western*, Esq.

The shorthand-writer was sworn by the Chairman.

James

James Richard Naylor (from the office of the Clerk of the Crown), sworn; and examined by Mr. *Slade*. Produced five poll books, writ, and return for the last election for the Borough of Maldon.

Zachariah Lewis, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell*.

William Harvey, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*.

Sarah Rice, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock*.

Mary Farrow, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock*; re-examined by Mr. *Rodwell*.

Joseph Martin, sworn; examined by Mr. *Rodwell*.

Thomas Gill, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock*.

Thomas Staples, sworn; examined by Mr. *Rodwell*.

On the following question being put, "Did he (the last witness) make some statement to you in reference to his vote?"—

Mr. *Bushby* objected, and contended that this evidence could not be admissible against the Sitting Member.

Mr. *Rodwell* was heard in support of the question.

The *Committee* decided that the question could not be put.

Abraham Stratford, sworn; examined by Mr. *Rodwell*.

William Metcalfe, sworn; examined by Mr. *Rodwell*.

Abraham Stratford, further examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. Rodwell.

William Metcalfe, further examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell*.

Mr. *Henry Gozzett*, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*.

Mr. *Charles Gill*, sworn; examined by Mr. *Rodwell*.

On the following question being put, "Will you tell the Committee what you told Mr. Digby?"—

Mr. *Phinn* was heard to object to what was said by the witness to Mr. Digby being given in evidence to affect the Sitting Member.

The *Committee* decided that the question might be put, to ascertain whether the witness had been tampered with.

Examination of the Witness continued; cross-examined by Mr. *Phinn*.

On the following question being put, "Were you promised anything?"—

Mr. *Rodwell* objected to the question put, contending that it was an attempt to introduce the subject matter relating to the Petition against Mr. Bramley-Moore, which at present was not before the Committee.

Mr. *Phinn* was heard in answer to the objection.

Mr. *Rodwell* was heard in reply.

The *Committee* decided that the question could not be put.

Mary Channy, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn*; re-examined by Mr. *James*.

John Staples, sworn; examined by Mr. *James*.

Thomas Arland, sworn; examined by Mr. *Slade*.

Joseph Browne, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn*.

Anne Blank, sworn; examined by Mr. *Slade*; cross-examined by Mr. *Phinn*.

Mr. *Slade* stated he had concluded the cases of bribery, and proposed going into the cases of treating; but as his witnesses had not arrived, he applied for an adjournment till to-morrow.

In answer to the Committee,

Mr. *Slade* stated he did not propose to call further evidence upon the Coal case.

Adjourned till To-morrow, at Eleven o'clock.

Veneris, 17° die Julii, 1857.

NAMES of the Members called over; all present.

A copy of Mr. Digby's check for the sum of 10 *l.* was put in.

Thomas Webb, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

John Brightwell, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn.*

John Turner, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

John Nicholls, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock*; re-examined by Mr. *Rodwell.*

John Prior, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock*; re-examined by Mr. *Rodwell.*

Mark Barker, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock.*

James Peacock, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock.*

Thomas Webb, further examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock.*

Stephen Scotchman, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Charnock.*

George Allen, sworn; examined by Mr. *Rodwell.*

George Digby, jun., sworn; examined by Mr. *Rodwell,* produced the accounts of the last election for the Borough of Maldon.

George Allen, further examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

Jacob Andrews, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Bushby*; re-examined by Mr. *Rodwell.*

Charles Fitch, sworn; examined by Mr. *Rodwell.*

Samuel Payne, sworn; examined by Mr. *Spofforth*; cross-examined by Mr. *Charnock.*

William Howe, sworn; examined by Mr. *Spofforth*; cross-examined by Mr. *Charnock.*

Elizabeth Payne, sworn; examined by Mr. *Spofforth*; cross-examined by Mr. *Phinn.*

Thomas Lewis, sworn; examined by Mr. *James.*

William Lansdell, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn*; re-examined by Mr. *James.*

Edward Collins, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn.*

William Ward, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

Maria Ward, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Phinn*; re-examined by Mr. *Rodwell.*

The examination of the last-named witness closed the case of the Petitioner (George Warren Montague Peacocke).

[Adjourned till To-morrow, at Eleven o'clock.

Sabbati, 18° *die Julii*, 1857.

NAMES of the Members called over; all present.

George Allen, examined by Mr. *Phinn* in explanation of a question put to him on a former day.

Charles Baxter, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*; re-examined by Mr. *Phinn*.

James Bowles, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*; re-examined by Mr. *Phinn*.

Mr. *George Digby*, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*; re-examined by Mr. *Phinn*.

[Adjourned till Monday, at Eleven o'clock.

Lunæ, 20° *die Julii*, 1857.

NAMES of the Members called over; all present.

Mr. *Welsby* appeared as an additional Counsel in support of the Sitting Member (Mr. *Western*).

George Digby, further examined by Mr. *James*, in answer to a question put to him on a former day; cross-examined by Mr. *Phinn*.

Evidence was further adduced in support of the Sitting Member.

Thomas Payne, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*.

Rebecca Wright, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*.

David Wright, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*; re-examined by Mr. *Phinn*.

Giles Austin, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*.

Thomas Walliker, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*.

Samuel Spurgeon, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*.

James Cater, sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*.

George Digby, jun., examined by Mr. *Phinn*; cross-examined by Mr. *Slade*.

Thomas Clark, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*.

Alfred May, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Slade*; re-examined by Mr. *Welsby*.

Thomas Sutton Western (a Member of the House), sworn; examined by Mr. *Phinn*; cross-examined by Mr. *Slade*; re-examined by Mr. *Phinn*.

Mr. *Phinn* was heard to sum up the evidence on the part of the Sitting Member.

Mr. *Slade* was heard in reply, on the part of the Petitioner against the return.

Room cleared. Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Martis, 21° die Julii, 1857.

NAMES of the Members called over; all present.

Room cleared. Committee deliberated.

Resolved, "That Thomas Sutton Western, Esq. is duly elected a burgess to serve in the present Parliament for the Borough of Maldon."

Resolved, That it was proved to the Committee that Joseph Riley attempted to bribe Henry Gozzett, by the promise of a contract for work at a church, at which the said Joseph Riley was the churchwarden."

Resolved, "That the said Joseph Riley offered to bribe Thomas Webb by the promise of a supply of flour, for one year, under the market price."

Resolved, "That the said Joseph Riley was proved to have engaged rooms at the Wellington Inn, where treating was extensively carried on upon the day of polling; but it was not proved to the satisfaction of the Committee that the acts of bribery, or treating, were committed with the cognisance or privity of the said Thomas Sutton Western or his agents."

Resolved, "That, in the opinion of the Committee, the meaning and intent of the 17 & 18 Vict., c. 102, s. 15, 'for the appointment of an election auditor,' was rendered nugatory by the fact, that the son and partner of the agent of the Sitting Member held that office, whereby he became the auditor of his own accounts."

Parties called in, and informed of the above Resolutions.

Ordered, To Report the above Resolutions to The House.

The Petition of Stephen Clark the younger, and others, was then proceeded with.

Mr. *Phinn* opened the case of the Petitioners against the Return of John Bramley-Moore, Esq., in the course of which, upon mentioning the name of Charles Gill, a witness upon whom he should rely to prove his case, the Chairman stated that, from the manner in which Charles Gill gave his evidence on the previous Petition, the Committee could not place any reliance upon his statement.

Mr. *Phinn,* in reply, stated that after that intimation he would not proceed further with the said Petition.

Mr. *James* was heard to apply for costs under the 11 & 12 Vict., c. 98, s. 89.

Mr. *James* proceeded to call evidence in support of his application.

Thomas Sutton Western, a Member of the House, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn.*

John Bramley-Moore, a Member of the House, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn.*

Edward Hance, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn.*

George Digby, sworn; examined by Mr. *James*; cross-examined by Mr. *Phinn.*

Mr. *James* summed up the evidence.

Mr. *Phinn* was heard against the application for costs.

Room cleared. Committee deliberated.

Resolved, "That John Bramley-Moore, Esq. is duly elected a Burgess to serve in the present Parliament for the Borough of Maldon."

Resolved, "That the Petition presented against the return of the said John Bramley-Moore, Esq., was frivolous and vexatious."

Resolved, "That the said Petition was presented chiefly with the view of inducing other parties to withdraw a Petition presented against the return of Thomas Sutton Western, Esq."

Parties called in and informed of the Resolutions of the Committee.

Ordered, To Report the above Resolutions to The House.

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MINUTES OF EVIDENCE.

Jovis, 16° *die Julii*, 1857.

MEMBERS PRESENT:

SIR JOHN TROLLOPE, BART., IN THE CHAIR.

Mr. Henry James Baillie.	The Honourable Henry Arthur Cole.
Mr. William Edward Baxter.	Mr. Robert Duncombe Shafto.

16 July 1857.

The Petition of George Montague Warren Peacocke, Esq., complaining of the Return of Thomas Sutton Western, Esq., at the last Election for the Borough of Maldon, was read.

Mr. *Edwin James*, Mr. *Slade*, and Mr. *Rodwell* appeared as Counsel.

Messrs. *Baxter, Rose & Norton*, and Mr. *Codd* appeared as Agents.

Mr. *Phinn*, Mr. *Charnock*, and Mr. *Bushby* appeared as Counsel for the Sitting Member, Mr. Western.

Mr. *Cooper* and Messrs. *Digby & Son* appeared as Agents.

The Petition of Stephen Clark, William Jepps, and Samuel Spurgeon, praying that the Return of John Bramley Moore, Esq., at the last Election for the Borough of Maldon may be declared null and void, was read.

Mr. *Phinn*, Mr. *Welsby*, and Mr. *Bushby* appeared as Counsel.

Mr. *Cooper* and Messrs. *Digby & Son* appeared as Agents.

Mr. *Edwin James*, Mr. *Slade*, and Mr. *Rodwell* appeared as Counsel for the Sitting Member, Mr. *Bramley Moore*.

Messrs. *Baxter, Rose & Norton*, and Mr. *Codd* appeared as Agents.

The *Chairman* stated that the Committee had come to the usual Resolutions.

Mr. *Edwin James* was heard to open the case on behalf of the Petitioner, Mr. Peacocke.

James Richard Naylor, Esq., was called in; and, having been sworn, was Examined by Mr. *Slade*, as follows:

J. R. Naylor, Esq.

1. YOU are Chief Clerk in the Crown Office, I believe?—I am.
2. Do you produce the writ and return for the borough of Maldon?—I do, of the last election.
3. The writ, the returning officer, and the return?—Yes.
4. Does it appear by that return that Mr. Bramley Moore and Mr. Western were returned?—Thomas Sutton Western and John Bramley Moore.
5. Do you produce the poll-books sent up to you by post in the ordinary way?—I do.

J. R. Naylor, Esq.
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6. Are they in the same condition as they were when you received them?—The books are; they have been undone.

7. Mr. *Phinn*.] What is the date of the return?—The 28th of March 1857.

[The Witness withdrew.

Zachariah Lewis was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Z. Lewis.

8. ARE you a freeman of the borough of Maldon?—Yes.

9. Where do you live?—At Tollesbury.

10. How far is that from Maldon?—Seven miles, I think, as the crow flies.

11. Do you know a man by the name of George Howe?—Yes.

12. Do you recollect receiving a message from him in the middle of January last?—Yes, from a boy.

13. In consequence of the message you received from the boy, did you go anywhere?—I went up and got 1 cwt. of coals.

14. Where did you go to?—To the Plough and Sail, where they sold coals.

15. Where they sell coal?—Yes.

16. Is that Bocking's?—Yes.

17. That is the name of the man?—Yes.

18. When you got there, whom did you see?—George Howe and Bocking.

19. What was George Howe doing when you saw him at Bocking's?—He was ordering him to weigh me 1 cwt. of coal.

20. *Rodwell*.] When you got to Bocking's and saw Howe there, what was he doing?—Weighing the coal off. He ordered the coals to be put into my barrow.

21. Who were with him?—A good many people waiting for the coal.

22. Did you know some of those people?—All of them; they are all the poor of the parish.

23. Do you know whether any of them were freemen that you saw there?—There were two or three freemen, like myself; they that wanted the coal, and was in need of it the same as I did. I had no employment.

24. When you went up to Howe what did you say to him?—He says, says he, "Put 1 cwt. of coals into that man's barrow."

25. Had you known Mr. Howe before?—Yes; I lived close by him, and knowed him from a child.

26. He said, "Take 1 cwt. of coal." How much did you get?—1 cwt.; I was to have had another, but I could not hear exactly. He says, says he, "You can come again." I did not hear him exactly; I am hard of hearing myself.

27. Then you did not come again?—I did not go no more; that is all I had.

28. Did you see any others have coal given to them then?—No; as soon as I got my load I went off about my business.

29. What did Mr. Howe say to you about those coals?—He never said nothing, only there was some coal for me if I chose to go for it. I had been out of work, and had no employment.

30. Did you pay him for those coals?—No.

31. Who gave them to you?—I do not know.

32. Did Mr. Howe tell you anything about it?—No; he said there were two maiden ladies from Maldon sent him 10 *l.* for the coal.

33. Did he mention the maiden ladies' names?—No.

34. I suppose you did not ask?—No; he did not mention them.

35. Have you heard from Mr. Howe where the coals did come from?—I have heard from other people; I never heard Mr. Howe say anything about it; I heard from other people where they came from.

36. Was it from the maiden ladies?—No.

37. When did you hear where they came from?—

Mr. *Phinn* objected to the question.

38. You have not had any conversation with Mr. Howe about this?—No.

39. Did you speak to Mr. Howe afterwards about your only having 1 cwt. instead of 2 cwt.?—No, I never mentioned it to him at all; I was quite satisfied with what I had.

40. Did you thank Mr. Howe for them?—I thanked him for them, certainly.

41. Have

Z. Lewis.

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41. Have you ever had any coals before given away at Maldon?—Two or three times, at the minister's.
42. Given to you?—Yes.
43. How were they paid for?—I do not know.
44. When was the last time that you had coals given to you before this?—About 12 months ago.
45. What had you then?—I had 2 cwt. then.
46. Did you pay for them at all?—No; they were given to me free.
47. Who was the minister who gave them to you?—Mr. Davis.
48. Do you know Mr. Digby of Maldon?—Yes.
49. Have you had any conversation with him about this?—No.
50. Not at all?—No.
51. Were you canvassed for your vote?—Yes.
52. Whom by?—By Mr. Western.
53. By anybody else?—By Mr. Bramley Moore.
54. Who was with Mr. Western at the time he asked you?—There was a great many gentlemen.
55. Tell me the names of some of them?—The two Mr. Mays, Mr. Boyce, and other gentlemen besides.
56. When was it you were canvassed first by Mr. Western?—About a month before the election.
57. Had you been spoken to about your vote before that by anybody?—No.
58. Not at all?—No.
59. Were you at Tollesbury a month before the election?—Yes; it is my native place.
60. You voted for Mr. Western, I believe?—I split my vote.
61. Whom did you vote for?—For Mr. Moore and Mr. Western.
62. Before the time at which you have stated that Mr. Western canvassed you, do you recollect seeing Mr. Western at Tollesbury?—Yes.
63. When was that?—About a week before the election came on.
64. He canvassed you about a month before the election, you say?—Yes.
65. Before that time at which he canvassed you, of which you have spoken, do you recollect seeing him about the public streets?—Yes.
66. Who was he with then?—I do not know the gentleman; he was along with some gentleman.
67. Was it Mr. Howe?—No; I think it was Mr. Digby.
68. It was about Christmas time, was not it?—Just after Christmas.
69. Was it before or after you got the coals?—It was before I got the coals.
70. A few days, or what?—I cannot say exactly for a day.
71. It was about Christmas time you got the coals, was not it?—Yes.
72. It was about Christmas time that Mr. Western called with Mr. Digby?—I had the coals before Mr. Western came into the place.
73. Had you the coals first?—Yes, I had.
74. You cannot tell me how long?—No.
75. How did you go to Maldon on the day of polling?—I was fetched.
76. Who fetched you?—I do not know; some party fetched me.
77. Do not you know who took you there?—I do not know; I went in the van.
78. Where did you go from?—From Tollesbury.
79. Did you start from your own house?—No; I started from Mr. Bowles', who keeps the Victoria.
80. Whom did you see at the Victoria?—I saw Mr. Bowles; the van stood there, ready to take us.
81. You went up with him to Maldon?—I went along with the van to Maldon; I do not know whose it was.
82. You got to Maldon in this van?—Yes.
83. Did you go direct to the poll, and vote, when you got to Maldon?—No; I did not vote till three in the afternoon.
84. What time did you get there?—About half-past 11.
85. Where did you go when you got to Maldon?—I prowled about the streets; I had nothing to take nowhere; nobody would give me nothing.
86. Do you mean that you walked about the streets, on the day of the election, from half-past 11 till 3?—Yes.
87. Whom with?—Nobody.

Z. Lewis.

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88. Walked about alone from half-past 11 to 3?—Yes.

89. You did not go into a single house?—I went to the King's Head, and had a pint of beer at my own expense.

90. What inn was that?—The King's Head, in Maldon.

91. You went there; were you there long?—I was not there above half an hour; I went and had refreshment; I had a pint of beer.

92. Then you went to vote?—No; I went down to a friend's, and got some dinner.

93. Where did you dine?—Down at Mr. Lupton's, at Maldon.

94. Did he invite you to dine?—He is a first cousin of mine.

95. Did you go with him to the poll?—No.

96. Whom did you go with?—Nobody.

97. You went alone?—I went all alone.

98. And you voted for Mr. Moore and Mr. Western?—Yes.

99. You are an old freeman of Maldon, are you not?—Yes.

100. And have voted a good many times?—Ever since the long election; I took my freedom up at the long election.

101. How have you generally voted, Blue or Yellow?—Any colour; just which way I get my bread; that way I can get a piece of bread, and sometimes get a piece of cheese.

102. You sometimes voted for the Blue, and sometimes for the Yellow?—Yes.

103. You mean, perhaps, you voted for those you got most from; that is what you mean?—No.

104. What do you mean by that?—Sometimes I am employed by one and sometimes I am employed by another.

105. Whom were you employed for at this time?—I was employed by nobody; I have been ill these two months and have not done a stroke of work, so I am not employed by anybody.

Cross-examined by Mr. *Phinn*.

106. I believe it was a very dry election at Maldon this time, was not it?—Very dry along with me.

107. One of the driest elections almost ever known in Maldon, was not it?—Yes.

108. Have you voted for Mr. Leonard when he was alive?—I voted for Mr. Leonard times; he gave me my vote, my freedom in the long election.

109. I believe almost all the poor of the parish were up at Tollesbury to get coals, were they not?—It was given to the poor and the freemen that had need of it, as was out of work at the time.

110. Were there freemen of both sides, Blue and Yellow, that got coals?—Yes, all parties.

111. What was it you got; about a shilling's worth?—I do not know what to call it, I am sure, for I never buy none.

112. About one cwt.?—Yes, one cwt.

113. This was at Christmas?—I do not know what time it was, I am sure.

114. Was there a good deal of distress at Tollesbury at the time?—Yes.

115. Were there about 20 or 30 widows got the coals?—They all got it, them that had got large families, and the widows, and them in need of it.

116. And the wives of the men that were away, I believe?—Yes.

117. You had no thought of the election at the time, had you?—Not at all; no thought about it.

Re-examined by Mr. *Rodwell*.

118. When had you first a thought of the election?—When they came down to me.

119. How soon after the coals?—Some little while.

120. The coals were given away first, were they not, you told me so?—Yes.

121. You say you had no thought of the election; when had you first a thought of the election?—I am sure I cannot say.

122. When was the election first mentioned to you?—About a fortnight before it came on.

123. When

123. When Mr. Western came to you, about Christmas time, was not the election mentioned then?—No. *Z. Lewis.*

124. What did he come to speak to you about?—He asked me for my vote, but he never said nothing about the election. 16 July 1857.

125. That is what you mean?—Yes.

[The Witness withdrew.

William Harvey was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

126. WHERE do you live?—At Heybridge, near Maldon. *W. Harvey.*

127. In the month of January last, did you superintend Mr. Bocking the coal merchant's business at Tollesbury?—I did.

128. Did you receive any order in the month of January with reference to the distribution of coals?—No particular order.

129. Do you know a person by the name of George Howe?—Yes.

130. You say no particular directions; did he give you any order with regard to coals, an order for coals?—No order to me.

131. Did you have any conversation with George Howe about any coals?—I had.

132. In consequence of what passed between George Howe and yourself, did you provide some coals?—No, not myself.

133. Were some provided?—There were some provided.

134. By your employer, Mr. Bocking?—By Mr. Bocking.

135. How many tons were supplied?—Ten tons was to have been supplied.

136. How many were supplied?—I cannot say exactly.

137. Were you present when those coals were given away?—I were a part of the time.

138. What was the system adopted with regard to giving away those coals; whom were they given to?—To freemen, and other people as well.

139. What quantity was given; was it the same in all cases?—I believe not; I believe freemen had the most.

140. Do you know how much more they had?—I do not know exactly; I think, perhaps, 1 cwt. more; I do not know; I cannot speak to that.

141. Did you yourself supply some of the men twice with coals?—I did not.

142. Did you see them supplied?—They were supplied, but I did not see them.

143. (By the *Committee.*) Were they freemen?—They were freemen.

144. Mr. *Rodwell.*] Did you see George Howe?—Yes, George Howe was there.

145. Was he present when those coals were distributed?—He were.

146. Was there any list of names, that you are aware of, prepared by Mr. Howe?—I believe there was.

147. Do you know who paid for those coals; did you see those coals paid for?—I did.

148. Who paid for them?—George Howe.

149. By what; money or cheque?—Cheque.

150. Did you see the cheque?—Yes, I did.

151. Was it Howe's cheque?—No.

152. Did you receive the cheque?—I did.

153. You received this cheque?—I did.

Mr. *Rodwell* gave notice to Mr. Digby to produce the cheque.

Mr. *Digby* stated that he would produce it to-morrow.

154. Mr. *Rodwell* (to the *Witness*).] There was a cheque?—There was.

155. For how much?—£. 10.

156. When you got the cheque, what did you do with it?—Paid it away in Maldon.

157. Was that in payment for the coals which had been supplied?—It was.

158. Do you know Henry Levit?—Yes.

159. Is he a freeman?—He is.

160. Had he coals?—I believe he had.

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161. Joseph Martin?—Yes.
162. Is he a freeman?—Yes.
163. Had he coals?—Yes.
164. William Levit?—Yes.
165. Zachariah Lewis?—Yes.
166. Thomas Lewis?—Yes.
167. Abraham Rice?—Yes.
168. Joseph Pearce?—Yes.
169. John Pearce?—Yes.
170. Alfred Frost?—Yes.
171. James Jermyn?—No, I do not recollect him.
172. Thomas Witham?—Yes.
173. Do you recollect any other freemen?—I do not; I recollect them all as you call them over.
174. At the time that those coals were ordered, did you hear any statement made by Howe as to whose expense they were at, or who had sent them?—I believe that Mr. Howe said a cheque from Mr. Weston; but I would not speak to that.
175. Was anything else said about the quarter from which they came?—I believe not to me.
176. Could you tell us what Mr. Howe said at the time he spoke to you about these coals?—Mr. Howe brought the cheque to me, or called me in to see the note that came from Mr. Digby, and he asked me where I thought he could get the coals best; he also said he should like to get 10 tons for 10 *l.*, and I told him I thought that perhaps he might get them from Mr. Bocking of Tollesbury, as he had some coals unscreened, and I thought it was most likely he would allow him to have them at 1 *l.* a ton.
177. Anything more?—I went to Mr. Bocking, and Mr. Bocking allowed me 10 tons for the 10*l.*
178. How long have you been with Mr. Bocking?—Not at all; I stay there; I go from Maldon to Tollesbury every day; it is the inn I stay at.
179. Do you recollect anything more being said by Howe at the time those coals were ordered than what you have now stated?—I believe not.

Cross-examined by Mr. *Phinn.*

180. I believe you are a Conservative, are you not?—No; my father always voted that way.
181. I believe those coals were quite fairly given away, were they not?—I do not know at all; I cannot tell.
182. I mean to the freemen on both sides?—The freemen on both sides.
183. Can you give us a list; my learned friend has extracted some names from you; were there some 100 or 150 people that had those coals?—I cannot say how many.
184. There were 200 cwts.?—I cannot say what quantity.
185. I thought you said 10 tons?—That was what was purchased.
186. Were you present when they were distributed?—I was part of the time.
187. Was not 1 cwt. given to each person on the first day?—It was 1 cwt. for some; in some instances 1½ cwt., and some 2 cwt.
188. Was that according to their families?—I do not know.
189. Was there not a distribution on the second day of what was left from the first day's distribution?—There was.
190. And some of those who came the first day came the second, and had a second allowance from what was left?—They may have.
191. Did the old women and widows and people of that sort come the second day?—I do not know.
192. Do not you know; you were present?—I was not there the second day at all times.
193. I suppose there was rather a crowd collected outside, was not there?—The first day.
194. You saw old women, and women whose husbands were absent, and all kinds of people the first day, did you not?—They did not all come the first day.

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195. Had Mr. Howe a list?—I believe he had; I saw a list.

196. Were they distributed from that list?—I believe he took an account of the people he delivered them to as they were delivered.

197. You said Martin, a freeman, had some?—Martin, a freeman, had some.

198. Do you know that he voted for Mr. Peacocke and Mr. Bramley Moore?—I do know it, but I did not know he was going to do so then.

199. Do you know Thomas Farrow?—I do.

200. Do you know how he voted?—I do not.

201. Do you know Abraham Rice?—I do.

202. Is he a freeman?—Yes.

203. Do you know that he voted for Mr. Peacocke and Mr. Bramley Moore?—I believe he did.

204. And always voted that side, did not he?—I believe he did.

[The Witness withdrew.

Sarah Rice was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Sarah Rice.

205. ARE you the wife of Abraham Rice?—Yes.

206. And you live at Tollesbury?—Yes.

207. Do you recollect Mr. Western coming to canvass your husband for his vote?—Yes.

208. When was that?—The first time?

209. The first time?—Well, I believe in January.

210. Was anybody with him?—Yes; Mr. Digby, of Maldon.

211. Who else?—Not any one more, that I know of; not the first time.

212. Was your husband at home?—Yes.

213. Did your husband promise his vote, or not?—I never heard any conversation; I left the room.

214. Afterwards, do you recollect Mr. Western coming again?—Yes.

215. Who was with him that time?—Mr. Howe was the one that came to my door.

216. Is that George Howe?—Yes.

217. When George Howe came with Mr. Western, did George Howe say anything?—He introduced Mr. Western to me; he said, "This is Mr. Western."

218. What else did you hear Mr. Howe say before he introduced Mr. Western to you?—Not anything before that he introduced Mr. Western to me.

219. Tell us what he said afterwards?—He said afterwards, "These people had some coals."

220. Did Mr. Western make any observation upon that?—A very short reply; I cannot say that he said anything.

221. Had you had any coals?—Yes.

222. Who had told you to go for the coals?—George Howe.

223. Is that the same man that came with Mr. Western?—Yes.

224. Did George Howe give you the message himself, or send you word about it?—He gave it to me himself.

225. What did George Howe say to you when he mentioned the subject of coals?—He told me there were some coals to be given away, and I was welcome to have some with the rest, if I pleased.

226. Did he tell you what quantity you were to have?—No.

227. How many did you have?—One and a half cwt.

228. Did he tell you how they came to be given away?—No.

229. He did not mention any name?—No name.

230. Did you know?—I did not know; there was a report that it was Mr. Western's gift, but I never heard anyone say that they knew any more than myself how it was.

231. When Mr. Western and Mr. Howe came, was your husband at home?—He was not within.

232. Was anything said to you about your husband's vote?—Mr. Western asked me if I would speak to my husband about him.

233. Did you promise for your husband?—No; I told him any message he left I would deliver.

Sarah Rice.

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234. I believe your husband did not vote for Mr. Western, but voted for Mr. Peacocke and Mr. Moore?—Yes.

235. Had you ever received any coals before?—No.

236. How long have you lived in Tollesbury?—All my married life.

237. I suppose that is some time; how long is that?—Thirty years; I have never left the place.

238. Have you ever had any coals before?—I had once, two cwt. given me by Mr. Du Cane after he was turned out of the House of Commons; that is all I received from any one.

239. Did you ever know of any coals being given away in Tollesbury, except upon that occasion?—I have known coals being given away, but I did not receive any.

240. What is your husband in business?—He is parish clerk.

241. Have you any family?—Yes.

242. Are they grown up or young?—Not very young now.

243. How many have you at home?—Two.

244. Are they young ones?—No; only one young one at home.

245. How old is he?—Eleven years.

246. And your husband is parish clerk, you say?—Yes.

247. Whom does he work for?—Mr. Robert Seabrooke.

248. Is he in constant work?—Yes.

Cross-examined by Mr. *Charnock.*

249. I believe at that time your husband was at sea, was not he?—He was, the last time Mr. Western called.

250. I mean when the coals were given?—No, he was not.

251. Not at that time?—Not at that time.

252. Your husband has always voted on the Conservative side, has not he?—Yes.

253. He did the last time?—Yes.

254. Were you present when these coals were given away?—No, I sent my little boy for them.

255. You did not go yourself?—No.

256. But you know, I suppose, that they were distributed very fairly among all classes?—I do not know but what they were. I did not concern myself about that.

257. Given to people lame and afflicted, and so on?—They might be; but I did not ask any further questions.

[The Witness withdrew.

Mary Ann Farrow was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

M. A. Farrow.

258. ARE you the wife of James Farrow?—Yes.

259. He is a freeman of Maldon, I believe?—Yes.

260. Living at Tollesbury?—Yes.

261. In the month of January last did you have some coals given to you?—Yes.

262. By whom?—I do not know, I am sure.

263. Where did you get them from?—From Mr. Bocking's.

264. Who told you to go and get them?—George Howe sent word.

265 What message was sent from George Howe?—They said that if the people went down to Mr. Bocking's, there was some coal for them.

266. And you sent for them, or did you go?—I went myself.

267. When you were there was George Howe there?—He was.

268. Whom did you apply to?—I asked Mr. Harvey, the postman, if there was any coals.

269. Is that William Harvey?—Yes.

270. Was George Howe there?—Yes.

271. What did he say?—He asked George Howe if there was any coal for Farrow.

272. What

272. What did George Howe say?—He said, "Yes."

273. At the time George Howe said "Yes," did you see in his hand any list?—Yes, he had a list.

274. What quantity of coals did you get?—I had 1 cwt.

275. Is that all you had?—Yes, that day.

276. You took 1 cwt. away with you?—Yes.

277. Did you get any more the next day?—Yes, I had another half cwt.

278. How came you to go the next day for the other half cwt.?—He sent up in the morning, before I was up, that I was to go.

279. By the *Committee.*] Who is "he"?—George Howe.

280. Mr. *Rodwell.*] Whom did you see the next day when you went?—I did not go; I sent my little boy.

281. What did your little boy bring back?—A half cwt.

282. When you went there on the first day, had anything been said about your going again for another half cwt.?—No, there was not.

283. Did George Howe tell you, or did you learn from him, who had given those coals?—No, he did not.

284. Do you recollect your husband being canvassed for his vote?—Yes.

285. When was the first time?—I cannot say what day it was.

286. What month was it in?—I cannot say that.

287. Was it before or after the coals were given away?—It was before.

288. Before the coals were given away?—The coals were given away before.

289. How long before you saw Mr. Western was it that the coals were given away?—I cannot say how long.

290. Was it days or weeks?—It must be weeks, because it was not days.

291. Who was with Mr. Western when he canvassed your husband?—I cannot say; Mr. Chatterson, Mr. Bowles, and Mr. May, I think.

292. Was that Alfred or Henry May?—I think it was the old gentleman; I do not know his name.

293. The old one?—Yes.

294. Did your husband promise Mr. Western?—No.

295. Was he canvassed a second time?—I do not think Mr. Western came only once.

296. Was he canvassed by any one else a second time?—I do not think he was.

297. Do you recollect seeing George Howe with him?—No, I do not recollect seeing George Howe at all.

298. Not at all?—No; there was not but very few came into my house.

299. Do you recollect your husband going to vote on the day of the election?—Yes.

300. Whom did he go with?—He went in the van.

301. Did the van call for him at his own door, or did he go anywhere to the van?—He went down to Bowles's.

302. Was that the Bowles who had canvassed your husband with Mr. Western?—No.

303. It is another?—Yes.

304. What is his Christian name?—Elijah.

305. Is that the keeper of the public-house?—Yes.

306. Whom did your husband vote for at last?—Mr. Western.

307. Do you recollect any one coming to ask him for his vote between the time Mr. Western had canvassed him and the day of the election?—No.

Cross-examined by Mr. *Charnock.*

308. Whom was your husband voting for before?—The Yellows before; he always did vote for the Yellows.

309. I believe at this time he was away, was not he; at the time the coals were given?—Yes; he was at sea.

310. Were those coals given to widows, and people who were afflicted?—Yes.

311. How came it that you got a half cwt. on the second day; do you know why you had not had them the first day?—He did not say I was to have any more when I was there the first day.

312. Did you learn that it was because there was some left?—A lad came and told me before I was up in the morning.

 313. Did

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313. Did you learn that they were not all given away the first day, and that what was left was distributed again?—Yes.

314. Did people, whether they were freemen or not, get coals?—Yes.

315. Were there many more who were not freemen who got them, to those who were freemen?—I think there was a great many.

316. Do you know that your husband, some four or five months before these coals were given away, had signed a requisition to Mr. Western?—No.

317. You do not know that?—No.

Re-examined by Mr. *Rodwell.*

318. Do you know about the requisition yourself?—No.

319. You did not see it, I suppose?—No.

320. My learned friend asked you whether there were many others besides freemen who got coals?—There was.

321. How many freemen can you speak to that had coals?—I am sure I cannot say how many there was had them; a great many there was, but I cannot say how many.

322. You say there were more non-freemen than freemen that had them?—Oh, yes, a great many.

323. Do you know of any freeman that had not them?—No.

[The Witness withdrew.

Joseph Martin was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Joseph Martin.

324. ARE you a freeman of Maldon?—Yes.

325. And live at Tollesbury?—Yes.

326. Do you recollect receiving a message from George Howe, in the month of January, with reference to some coals?—Yes.

327. Did you see Mr. Howe himself?—Yes.

328. What did Mr. Howe say to you?—He told me there was some coals to be given away, and if I chose I might have 1 cwt.

329. Did he say that some party had given the coals, or how they came to be given away?—No, not to me.

330. You did not ask?—No.

331. Did you send for the coals?—I went for some myself.

332. Who was giving them away?—They was given away at the Plough and Sail; a boy measured them.

333. Was George Howe there?—He was not when the coals was weighed.

334. Not when you got yours?—No.

335. Were you canvassed for your vote about that time?—No.

336. When were you canvassed?—Only once; the last time Mr. Western came down; I did not see him the first time.

337. Did you promise him?—No.

338. And you did not vote for him, I believe?—No.

339. How have you voted at former elections?—Principally Blue, but I have been twice Liberal, at least I voted for Mr. Leonard twice.

340. When Mr. Western spoke to you, or canvassed you for your vote, was he alone?—No.

341. Who was with him?—Mr. Quihampton and the Mays, and Mr. Wood, Mr. Boys, and Mr. Western, and several were there that I cannot recollect.

342. Do you recollect seeing George Howe?—No, he was not there.

343. Do you know now whom those coals came from, or where they came from?—I cannot swear.

344. Have you heard?—I understood it was from Mr. Western, but I cannot swear.

345. Whom did you hear that from, Mr. Howe?—I believe so.

346. What did you hear from Mr. Howe about it?—He said there was 10 *l.* sent for to be given away in the parish, and as I was an old man, if I choosed to have 1 cwt., I might have them.

347. I asked you whether you learned from Mr. Howe whose 10 *l.* that was?—No, I told you before I did not.

Cross-examined by Mr. *Charnock*.

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348. The coals were to be given amongst those who were poor and needy and old?—Yes.

349. You say you have been twice Liberal; how many years have you voted for the Conservative candidate; how many times?—Once I plumped for Mr. Leonard, and the other half.

350. Upon all other occasions you voted for the Blue?—Yes

351. Were there a great many widow women who had coals this time?—I am not able to answer that.

352. Did you see a number of women there?—There was nobody there when I received mine.

353. Which day did you receive yours?—I cannot say that.

344. You were there when there were no other persons at all?—No, only the boy that weighed the coals.

[The Witness withdrew.

The *Chairman* stated that the Committee were of opinion that if the further Witnesses upon the coal case would only tell the same story, it was not necessary to repeat it.

Mr. *Rodwell* stated, that after that intimation he would proceed with another head of evidence.

Thomas Gill was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Thomas Gill.

355. ARE you a freeman of the borough of Maldon?—Yes.

356. What are you?—I work in the gardening line; follow gardening.

357. Do you recollect the last Maldon election?—Yes.

358. Whom did you vote for?—Mr. Western.

359. Do you know Mr. Digby, I mean Mr. George Wyatt Digby?—Yes; I work upon the ground.

360. You work upon his grounds?—Yes.

361. What, as a jobbing gardener?—Yes; I work under another gardener.

362. What are the wages you get a day?—Half-a-crown.

363. On the day of the election where were you working?—I was at work in the garden part of the day; I went to work at four o'clock in the morning till half-past eight.

364. Went to work at four o'clock in the morning?—Yes.

365. It was dark then, was not it?—It was not light.

366. What did you do at four o'clock in the morning?—I was superintending the hothouse, and watering the plants, and making up the fire.

367. At what time do you generally go there?—Six o'clock is my proper hour to go; sometimes I am there by four, frequently.

368. When did you leave off work; at half-past eight, you tell me?—Half-past eight at night it was when I left; because, after the day was past, the fires were all out, and we had to tend them.

369. At half-past eight where did you go to?—I went home after I got my pay, after my money.

370. But they do not pay you every day, do they?—No.

371. What day was this?—It was on the Saturday.

372. At what time did you get your money then?—It was nine o'clock at night before I got my pay.

373. But on the Saturday morning you went off from your work at half-past eight, did you not?—Yes.

374. When you went off work on the Saturday morning, where did you go to?—I walked into the town; I was ready for to go up to vote after half-past eight in the morning.

375. After half-past eight, when you left off work, where did you go?—Walked into the town.

376. Where did you walk to in the town?—I walked down, and went home and got my breakfast.

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377. When you had got your breakfast where did you go?—I came up into the town, and voted.

378. At what time did you vote?—I should say about half-past 10 o'clock.

379. After you had voted where did you go to?—After I had voted a brother of mine, we both voted nearly at one time—after I had voted, him and I went to the Rose and Crown, and went and had a pint of beer each, and a pipe; we had our pipes, and sat there to enjoy ourselves.

380. How long did you stop at the Rose and Crown enjoying yourselves?—We might stop there as much as half an hour.

381. Where did you go to next?—Went up as far as the polling place.

382. Did you go anywhere else to enjoy yourselves?—We went to the same house after that.

383. And enjoyed yourselves again?—Yes.

384. Did you go to the Queen's Head?—I never went to the Queen's Head.

385. Did you go to the Wellington?—No; I never went up as high as the Wellington.

386. You had a good deal of beer, had you not?—No.

387. Have you not told Mr. Staples about where you were on the day of the election, and what you had upon the day of the election?—No; I told Mr. Staples that my brother and I was together on the day of the election, and I told him we had about three pints of beer each, and smoked our pipes over it at the different times we went in to have this beer.

388. Did you say anything about any money?—No; I never said a word about money.

389. Not to Staples?—Not to Staples. I might say as far as this, that I did not lose any time; I was paid for my week; I considered I was entitled to that, as I had worked eight and a half hours, which was the biggest part of the day.

390. What! eight and a half hours; how did you make them?—From four in the morning, and at four again in the evening; that is, from four to half-past eight besides.

391. Did you go back in the evening to work?—Yes, I went back again at four o'clock, and was there tending the plants till half-past eight.

392. Have you told us all you had upon that occasion?—I have told you all I had.

393. Are you sure the Rose and Crown is the only public-house you went to?—Yes, I am; I never went in any other public-house the whole of that day.

394. Who asked you to vote for Mr. Western?—No one.

395. No one at all?—No one; no one never mentioned or asked me about voting.

396. Have you always voted for the same party?—I have for years.

397. Never for the Blue party?—Never but once; I voted once for Mr. Quintin Dick.

398. Neither Mr. Digby nor any one else asked you for your vote, you say?—Neither of them.

399. You cannot tell me anything more about what you did upon the day of the election, nor anything but what you have told me?—No, I cannot; I have told the truth, and that is all.

Cross-examined by Mr. *Charnock*.

400. You were engaged by the week, at 15 *s.* a week?—Yes.

401. By the head gardener?—Yes.

402. On the Saturday night you were paid your wages?—Yes.

403. About how many hours were you absent?—From half-past eight till four in the evening.

404. You actually worked eight and a half hours at Mr. Digby's?—I did.

405. Did you pay for all you had at the beer-house?—I did.

406. You and your brother too?—Yes.

407. You always had voted for the Liberal interest, except once?—Yes.

408. Then you split your vote, did you, one for Mr. Dick and the other for Mr. Leonard?—I did.

409. Did you sign the requisition to Mr. Western?—No.

[The Witness withdrew.

Joseph Staples was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows: *Joseph Staples.* 16 July 1857.

410. DO you know Thomas Gill?—Very well indeed.

411. Are you a voter yourself?—Not at all.

412. Did you see Thomas Gill on the day after the election?—I did.

413. Did he make some statement to you with reference to his vote?—

[The Witness was directed to withdraw.

Mr. *Bushby* objected to the question.

Mr. *Rodwell* was heard in support of the question.

The *Chairman* stated that the Committee were of opinion that the question should not be put.

Abraham Stratford was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows: *A. Stratford.*

414. WHAT are you?—A ship-carpenter.

415. At the time of the last Maldon election where were you living?—My home was at Goldhanger, near Maldon. I was at work at Ipswich.

416. Two or three days before the election did a gentleman call upon you?—Mr. Metcalfe.

417. What did Mr. Metcalfe say to you?—He read a letter that he had received from Mr. Henry May.

418. Who was Mr. Henry May?—A liquor merchant at Maldon.

419. Did you see the letter?—I heard it read.

420. By the *Committee.*] Whom was the letter from?—Mr. Henry May.

421. Mr. *Rodwell.*] What did Mr. Metcalfe say to you?—He read the letter to me, and he left the case with me.

422. What was the case which he left with you?—To decide whether I would go to Maldon to vote or not.

423. To vote for whom?—It was not decided which way; I was asked to vote for Mr. Western by Mr. May.

424. What did Mr. Metcalfe say to you?—He read the letter, and he left me.

425. What was the letter?—That was the import of the letter, as far as I can recollect.

Mr. *Phinn* submitted that the letter must be produced.

Mr. *Rodwell* stated that he would call Mr. Metcalfe to produce it.

Mr. *William Leopold Metcalfe* was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows: *Mr. W. L. Metcalfe.*

426. DID you receive a letter from Mr. Henry May, of Maldon?—I did.

427. A few days before the Maldon election?—About a week.

428. Did you read that letter to the witness in the chair?—I did.

429. What have you done with that letter?—I have destroyed it.

[The Witness withdrew.

430. Mr. *Rodwell* (to *Stratford*).] What was the letter which was read to you?—I cannot say. *A. Stratford.*

431. What was the purport of it?—As far as I can recollect, it was wishing me to do Mr. May the favour to vote for Mr. Western; but anything more I cannot recollect.

432. Was anything said between Mr. Metcalfe and yourself about money expenses?—Not at that time.

433. Did you see Mr. Metcalfe again?—Yes, and Mr. Cross.

434. When was that?—The day before the election.

435. At that time had you made up your mind whether you were going to vote or not?—I had made up my mind to vote.

436. Had Mr. Metcalfe, at the time he saw you, said anything to you about your going to Maldon, or how you were to go?—Not at all how I was to go.

437. Was anything said about your expenses?—No.

438. Not a word?—No.

439. Did you say anything about your expenses?—No.

440. When you saw Cross, what did Cross say to you?—Cross told me, if I would go to Maldon, my legal expenses should be paid.

441. Before Cross said that to you, had anything passed between Cross and yourself about your going to Maldon?—No; I had not seen him.

442. But when he called upon you first?—No.

443. Was the first thing that Cross said to you that your expenses should be paid, or did he ask you to vote for Mr. Western first; just tell us the order of the conversation?—I cannot positively say in what manner he did put it to me.

444. Did you know Cross before?—He came to me in the yard; I was busy at work.

445. Did you know him before?—Yes.

446. What did Cross say to you?—He asked me if I would do them the favour to go to Maldon to vote.

447. What answer did you give him?—I told him if my legal expenses were paid; that I did not wish to go to Maldon to injure Mr. Western, in receiving of money unlawfully.

448. Was anything said about your day's work?—Nothing.

449. Or loss of time?—Nothing was said about my day's work.

450. Loss of time, I asked you?—No.

451. Nothing at all?—No.

452. When you said that to Cross, what did he say to you?—He told me, if I went with him, he would try and obtain the money for me to go to Maldon.

453. What did you say to that?—

[The Witness was directed to withdraw.

Mr. *Phinn* inquired whether this was laid as a bribe by Cross. If it was meant that Cross was a party to an illegal contract, his name should have been in the list furnished by the petitioners, whereas it was not.

The *Chairman* stated that the Committee were of opinion that the moment had not arrived for making the objection, but that the Committee would bear in mind that it had been made.

The Witness was again called in.

454. Mr. *Rodwell* (to the *Witness*).] I think you told me you cannot recollect, or do not recollect, what Mr. Metcalfe read to you in the letter, or what took place between you and Mr. Metcalfe?—No.

455. You do not recollect it?—No.

456. When you told Cross that you would like to have your legal expenses, and would not hurt Mr. Western, or something of that sort, what did Cross say?—Cross told me that he would go with me, and that everything should be made right; that he could pay me the sum which was forwarded; the money which was afterwards forwarded.

457. Did you go to Maldon?—Yes.

458. When?—I went on the day of the election.

459. You went by railway?—Yes.

460. Did you take a return ticket?—No.

461. You went to Maldon; what time did you get there?—Just about 11, or a little before or after.

462. And you polled for Mr. Western?—Yes.

463. Where did you go to when you went to Maldon?—I went to my brother's.

464. Did you go with him to the poll?—No.

465. Whom did you go with to the poll?—By myself.

466. Whilst you were at Maldon did you see Cross?—I saw him, but I did not speak to him.

467. Did

467. Did you see Mr. May?—I never saw Henry May at all.

468. Had you any conversation with any one about your expenses that day?—No.

469. You voted, and then went back to Ipswich, I suppose?—Yes.

470. When did you go back, the same day?—No.

471. When did you go back?—I went back on the next day.

472. The Sunday?—Yes.

473. Where did you sleep?—I slept at Goldhanger. I had to go four and a half miles from Maldon.

474. What train did you travel by?—Parliamentary.

475. There and back?—Yes.

476. About how much did you pay for the Parliamentary train?—To the best of my recollection 3*s.* 11½ *d.* to Maldon, and 3*s.* 11½ *d.* back.

477. A penny a mile Parliamentary; did you afterwards receive any money?—No.

478. Have you received any money?—No.

479. Have you applied for any?—No.

480. I do not know whether your memory is very bad or not; but do you know a man by the name of Keebles?—Yes.

481. Did you ever receive any money from Keebles?—Keebles was the man that gave me the money that was to be sent from Mr. Metcalfe.

482. I asked if you had received any money?—I understood you receiving money when I was at Maldon.

483. You did not receive any money at Maldon?—No.

484. When did you receive any money?—I received it the day before the election, at Ipswich.

485. Was that after you had seen Cross?—Yes.

486. Who gave you that money?—Keebles.

487. How much did he give you?—He gave me 15*s.*

488. What was that for?—To pay my legal expenses.

489. Who is Keebles?—He is in Mr. Metcalfe's employ.

490. At Ipswich?—Yes.

491. Having received this 15*s.* from Keebles, does that remind you of a conversation you had in the first instance with Mr. Metcalfe, with reference to your going to Maldon?—No, no further than, to the best of my recollection, he mentioned to me about the wish of Mr. Henry May of my going to Maldon to vote for Mr. Western; but after I went to Maldon to vote, I was not obliged to vote for Mr. Western; I was not compelled; I did not promise I would do it after I received the money.

492. Whom did you go to Maldon to vote for?—I went with the intention to vote for Mr. Western, but I never promised them I would do that.

493. You did not promise Cross?—No.

494. Nor any of them?—No.

495. Do you mean that when Cross spoke to you about it, he did not ask you to vote for Mr. Western?—Yes, he asked me to vote for him.

496. Then nothing was said about your voting for Mr. Western when Keebles gave you the 15*s.*; is that what you mean?—Nothing.

497. I think I understood you to say that you should not vote, or should not go to Maldon unless you had your expenses; is that right; did you say that?—I cannot say that I said that; but that was the intention upon my mind.

498. Then unless you had had those 15*s.*, you would not have gone to Maldon to vote?—I do not think I should.

499. Your travelling expenses from Ipswich to Maldon were twice 3*s.* 11*d.*, that is 7*s.* 10*d.* you paid for your railway fare?—That is a misunderstanding.

500. It was 3*s.* 11*d.* each way?—It was 2*s.* 11½ *d.*

501. They do not give you return tickets by the Parliamentary train, I believe?—No.

502. By the *Committee.*] Was it 2*s.* 11½ *d.* or 3*s.* 11½ *d.*?—I believe it was 2*s.* 11½ *d.* to the best of my knowledge.

503. You paid the same each way?—Yes.

504. How many miles is it from Ipswich to Maldon?—At that rate it is 35½ miles.

505. Mr. *Rodwell.*] In addition to having what you call your legal expenses promised you before you started, had you the sum of 15*s.* paid over to you; in addition

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addition to what passed between you and Cross, you actually did receive 15*s.* before you started?—Yes; then I had to go to Goldhanger from Maldon.

Cross-examined by Mr. *Phinn.*

506. Were you bribed with this 15*s.*?—No; it was my legal money to pay my legal expenses.

507. You went to Maldon with the understanding that you were to vote for whom you pleased?—No; they did not press upon me to vote for Mr. Western; I had the money; they wished me to vote for him, and when I got there, I voted for him.

508. Did you tell them that you did not wish to take anything that was illegal so as to injure Mr. Weston?—They told me they could not give me any more than that, for it was lawful to be paid the legal expenses.

509. Do you recollect, in the letter that was read to you, it was said that you might vote which way you pleased, when the letter was read?—I cannot say that.

510. Is the first-class fare from Ipswich to Maldon 7*s.* 3*d.*?—I believe so; the first-class fare they paid me for; I understood that was the legal carriage.

511. Did you ask for the sum of 15*s.*; did you mention that sum?—No, I did not know what sum was allowed.

512. Then there is the omnibus to pay from the station; there is an omnibus plies from the station into the town?—Yes.

513. What is the fare there?—I did not ride up by it.

514. Do you know what the fare is?—I do not.

Re-examined by Mr. *Rodwell.*

515. What class do you generally travel by?—Just as it happens to occur; sometimes it is not convenient to travel by the Parliamentary train; but, when it is, I generally go by the Parliamentary train.

516. You told my learned friend that some one said to you that they could not give any more; what was that in answer to?—That was the legal expenses; they could not allow no more.

517. Who said to you that was the legal expenses, and they could not allow any more?—Cross.

518. Had you asked for any more?—No; that was what he allowed.

519. Had you asked for any more?—No.

520. Did you ask for loss of time?—No.

521. Then nothing was said by you when the 15*s.* was offered about not being enough, or that you expected more?—No.

522. That was all that passed?—Yes.

523. Did you not say that you should not go to Maldon unless you were paid for your day's work?—No.

524. Or your loss of time?—No.

525. Nothing of the kind?—Nothing of the kind was mentioned.

526. Have you ever said so?—I have never said so; they never put it to me.

[The Witness withdrew.

Mr. *William Leopold Metcalfe* was again called in; and further Examined by Mr. *Rodwell*, as follows:

Mr. W. L. Metcalfe.

527. I BELIEVE you live at Ipswich?—Yes.

528. Was Abraham Stratford in March last in your employ?—No.

529. Did you see Abraham Stratford a few days before the last Maldon election?—I did.

530. From whom did you receive a communication?—From Mr. Henry May.

531. I think you told me just now, when you were in the box before, that you had destroyed the letter; what was the purport of the letter?—Merely to request him to vote for Mr. Western, or rather to inquire whether he was going to vote for Mr. Western.

532. Did

532. Did you go to Stratford?—I did.

533. Was there nothing in this letter upon the subject of expenses?—Nothing whatever.

534. When you saw Stratford, did you ask him for his vote for Mr. Western, or what did you say to him?—I merely read the letter to him, I believe, in the full extent; that is all, I believe; it is all I can recollect; it concerned me very little.

535. Did the letter to you ask you to canvass the voter for Mr. Western?—Merely to ask him whether he was going to vote for Mr. Western.

536. You saw Stratford; what conversation passed between Stratford and yourself upon the subject of his going to Maldon?—Stratford said he was willing and desirous of voting for Mr. Western, but that he could not go unless he had his expenses paid, and he also wanted some remuneration for his time; that, I told him, I was quite sure would not be allowed.

537. Tell us what more took place?—I told him I would communicate what he said to Mr. Henry May, which I did.

538. Did you see Stratford again upon this subject?—I did.

539. Was that after you had received a letter from Mr. May?—It was.

540. Where is the last letter you received from Mr. May; is that destroyed?—Yes.

541. What did you tell Stratford when you saw him the second time?—I told him he might have 15*s.* for his expenses to Maldon, but nothing further.

542. What did he say to that?—He made some hesitation, and I told him he might do as he liked; I cared very little about it.

543. What did he say?—I believe he said he would go.

544. Did he, upon that occasion, ask whether 15*s.* was all that could be given, or use any words to that effect?—I cannot say; I recollect nothing of the kind.

545. Did you say to him that you could not give any more, or that Mr. May could not give any more than 15*s.*?—I did not say that Mr. May was to give anything.

546. Who was to give it?—I could not tell.

547. You told me that it was in consequence of the letter which you received from Mr. May that you went to Stratford, and told Stratford that his legal expenses would be paid?—Yes; but I did not say that Mr. May would pay it, or anybody else.

548. I suppose, when you told the man his legal expenses would be paid, you led the man to infer that some one would pay them?—Exactly.

549. Did you tell him who would pay them?—No.

550. Who was to pay them?—I have no idea.

551. Whose authority had you for stating that the expenses would be paid?—Mr. Henry May's.

552. Had Mr. Henry May told you the expenses would be paid?—Mr. Henry May had told me so; written to me by letter.

553. You did not, in terms, tell Stratford that Mr. Henry May had promised to to pay his expenses; but you told Stratford merely that they would be paid?—Exactly.

554. Without saying by whom?—Exactly.

555. Was it in consequence of the letter you received from Mr. Henry May that you told Stratford his expenses would be paid?—It was.

556. Were his expenses paid?—They were.

557. By whom?—By a man in my employment.

558. Whose money was it?—My money.

559. How much did you pay him, or did you give it to Keebles to pay him?—I gave it to Keebles to pay him.

560. How came you to pay him 15*s.*?—In consequence of the letter Mr. May wrote to me authorising the payment.

561. Have you been repaid that 15*s.*?—I have not.

562. Have you applied for it?—I have.

563. To whom?—I applied for it to Mr. May.

564. What was Mr. May's answer to your application?—He said it would be paid.

565. Have you applied to him again for it?—I think I mentioned it to him again when I saw him, but I really do not know what answer he gave; it amounted to nothing, and therefore I d o no recollect it.

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566. You expect to be paid, do you not?—Yes, I expect to be paid.

567. By Mr. May?—By some one; I cannot tell by whom.

568. Cannot you tell me by whom you expect to be paid that 15*s.*?—No; I should be very much obliged if anyone would tell me, and then I would tell you.

569. Why have you any doubt?—I do not know that I have any doubt, but I have not the least idea where I am to get it.

570. By the *Committee.*] Mr. May authorised you to give him the money; did he not tell you he would repay the money?—He did not tell me so; I have no doubt I shall have the money.

571. Mr. *Rodwell.*] You applied to Mr. May under the belief that he was the party responsible for it?—If no one else pays me, I have n doubt Mr. May will.

572. Who else, may I ask you, but Mr. May, do you expect to pay you?—I suppose those who are authorised to pay Mr. Western's expenses.

Cross-examined by Mr. *Phinn.*

573. That is your supposition?—It is merely my supposition.

574. All you know is, that you look to Mr. May?—That is all.

575. Did you calculate 15*s.* for the expenses, or did Mr. May calculate them?—Mr. May.

576. What is the first-class fare from Ipswich to Maldon?—I do not think I can tell you; some Maldon people will tell you better.

577. By the *Committee.*] What is the distance?—About 30 miles, I imagine; but it is quite a guess.

578. Mr. *Phinn.*] The first-class is about 3*d.* a mile, is it not?—About that, I suppose.

579. Do you recollect the contents of the second letter?—As far as I recollect, it was merely authorising me to give Stratford the 15*s.*; that nothing more would be allowed.

580. Did you communicate to Stratford that nothing but legal expenses would be paid?—I did.

581. And in giving him that sum of 15*s.* did you believe that you were doing anything illegal?—Decidedly not; I told him at the time I would not do anything, nor would pay anything, that could in any way be construed into an act of bribery.

Re-examined by Mr. *Rodwell.*

582. Between the time of the receipt of your first letter from Mr. May and the receipt of your second letter had you communicated the result of your interview with Stratford to Mr. May; had you written to Mr. May?—I had.

583. Had you then applied for the 15*s.*, or what had you stated with reference to it?—No; I knew nothing about the 15*s.*; it was before anything was mentioned about the 15*s.*

584. Had you mentioned the 15*s.* to Mr. May?—No.

585. What had you mentioned to Mr. May?—Merely that Stratford said he could not go to Maldon unless his expenses were paid, and he remunerated for his services—which was not done—or rather, for his loss of time.

586. Then you received a note from Mr. May authorising you to pay 15*s.*?—Exactly.

[The Witness withdrew.

H. Gozzett.

Henry Gozzett was called in; and, having been sworn, was Examined by Mr. *Rodwell,* as follows:

587. WHERE do you live?—At Woodham Walter.

588. Are you a voter for Maldon?—Yes.

589. Were you canvassed by Mr. Western?—Yes.

590. When?—A few days before the election; I cannot exactly say to a day, but I think the Monday before the election.

591. Who

591. Who was with him?—Mr. Digby's son, and Mr. Richard Pledger, and Mr. Smith, and several others.

592. Was Mr. Riley with him?—Mr. Riley was not with him then.

593. Did you promise your vote to him, or not?—No, I did not.

594. Did Mr. Western call again?—No, he never called any more.

595. Did Mr. Riley canvass you?—Mr. Riley came to me.

596. Was that the same day that Mr. Western had canvassed you?—The same evening.

597. Not with Mr. Western?—Not with Mr. Western.

598. The same evening?—The same evening.

599. What did Mr. Riley say to you?—Mr. Riley said to me there was likely to be some repairs done to the parish church of Woodham Walter, and I should have the job, and no one else should not oppose me; I should estimate for it, and no one should not oppose me; that he supposed I had promised Mr. Western to plump for Mr. Western. He said, "I suppose you have promised Mr. Western to-day to plump for him;" and I says, "No, I have not." Then he says, "You will do it;" and I said, "No, I shall not promise you no more than I did him." "Well," he says, "you intend to give it to us, do not you?" and I says, "I shall not promise you." That was about all.

600. Was anything said about a few pounds?—He never said anything about a few pounds, not to me; but he said I should be well paid for the job afterwards, for the money came light, and that it should be spent light; and there was two gentlemen in the room, and they said I ought to have the job by living in the place.

601. What are you?—A builder.

602. What is Mr. Riley?—He is a miller.

603. Is he churchwarden, or has he anything to do with the church?—He is churchwarden.

604. Of Woodham Walter?—Of Woodham Walter.

605. Did you send in any contract?—Yes.

606. Did you get it?—No, it is not done; the job is not done.

607. But have you got the contract?—I have not got the contract, because he will not let me have it, he being churchwarden.

608. Did you see Mr. Riley at Maldon when you went up to vote?—I saw him, but not to speak to him.

609. Where was it you saw him?—I saw him standing right opposite a public-house.

610. What public-house was that?—The Duke of Wellington.

611. How long did you see Mr. Riley; did you see him during the day more than once?—I only saw him that once.

612. How long was he then in your sight?—I only merely passed him.

613. Did you go into the Wellington yourself?—I went in about seven o'clock in the evening.

614. Were there many people there at that time?—No, very few indeed.

615. Had the poll been declared then?—Yes.

616. By the *Committee.*] How did you vote?—I voted for Peacocke and Weston.

Cross-examined by Mr. *Phinn.*

617. Do you remember when this conversation took place (you have not said the date) about the church repairs?—It was on the Monday night before the election.

618. Who was present; who were the people who were present?—Joseph Spicer and James Adams.

619. Has there been any job done to the church?—Yes.

620. Have you got the job?—No.

621. Who has got the job?—Mr. Riley sent some old stuff down, and set a labouring man to mend the fence; that is all he did.

622. What was the job; was it a pound job, or a two pounds job?—I cannot say what he is going to charge for that job.

623. What should you say it was worth to do?—Ten shillings.

624. Were there formal estimates called for?—No.

625. Then you were not sent to for an estimate for this great job?—There were other jobs; I should have had to put the church in repair.

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626. Has the church been put in repair?—No.

627. When did you first mention this conversation to any one?—I cannot say, not to a week or two.

628. Did you mention it to anybody before the election?—No.

629. Did you mention it to anybody soon after the election?—No; I should think it is not more than a month since I mentioned it.

630. Did somebody come to you, or did you mention it to anybody else first?—There was a gentleman that wished for me to do the job, several; and he went to Mr. Riley, and told him he believed most of the parishioners of the parish were satisfied with my contract that had seen it.

631. Did you make a contract?—I did; an estimate.

632. Did you mention about a month after the election that you had had some promise from Mr. Riley?—When this gentleman went to him, Mr. Riley said I wanted to make a job of it; it was too much money; and made out to this gentleman that I was a rogue.

633. That you had estimated too much?—That I had estimated too much.

634. I suppose you were very angry with Mr. Riley about it?—No, I was not at all angry about it.

635. Not his making out you were a rogue?—I cannot say; I did not altogether like it.

636. Was it after he tried to make out that you were a rogue that you mentioned this conversation, the conversation before the election?—It was after that; it was about a month ago.

637. It was after you thought Mr. Riley tried to make you out a rogue you mentioned this conversation?—Yes.

638. Who did you mention it to?—Mr. Ward.

639. Who is Mr. Ward?—A farmer.

640. Is Mr. Ward a Blue?—I do not know what he is.

641. How was it that you came to mention it to Ward?—I was at work there at the time.

642. Are you quite sure that that is the first time you mentioned it?—That is the very first time I mentioned it.

643. Are you a married man?—Yes.

644. Did you mention it to your wife?—Of course I told it to her; but I do not consider she is anybody.

645. When did you first tell your wife?—About what?

646. About this conversation with Mr. Riley?—She heard it with these other gentlemen, at my house.

647. By the *Committee.*] What was the amount of your estimate for the church?—£. 64. 10*s.*

648. Did you take the suggestion of putting a little more on than you ought to have done?—No.

649. It was a fair estimate, was it?—It was a fair estimate.

[The Witness withdrew.

Charles Gill.

Charles Gill was called in; and, having been sworn, was Examined by Mr. *Rodwell,* as follows:

650. WHERE do you live?—At Heybridge Basin, at Maldon, in Essex.

651. You are a voter for Maldon, are you not?—Yes.

652. Do you remember Mr. Western canvassing you?—Yes.

653. Who were with him at the time?—There were several with him; young Mr. Digby was one.

654. Was Mr. Bentall one?—Mr. Bentall did not come to me.

655. At the time that Mr. Western canvassed you there were other people with him; was Mr. Bentall one of the persons who were with him?—I really cannot say whether he was or whether he was not.

656. Were any of the Mays with him?—Yes.

657. Who?—Mr. Henry May.

658. Do you know a man by the name of Thomas Chaney?—Yes.

659. In consequence of his asking you, did you write a letter to Mr. Bentall, of Haybridge?—Yes.

660. In

660. In whose name was that letter written?—Thomas Chaney's name put at the bottom. *Charles Gill.* 16 July 1857.

Mr. *Phinn* called for the production of the letter.

661. You wrote a letter for him, did you?—Yes.
662. To whom was that letter addressed?—Mr. Bentall.
663. What became of that letter?—Mr. Bentall had it.
664. Have you seen Mr. Bentall since?—No, not to speak to him.
665. Did you give that letter to anybody yourself?—I gave it to Thomas Chaney.
666. Did you go to Chaney's house?—No.
667. Do you know Chaney's daughter?—Yes.
668. Had you given the letter to her?—No.
669. After you had given this letter to be sent to Mr. Bentall, did you see Chaney's daughter?—No.
670. When was it you saw Chaney's daughter; did you see her at all?—I see her every day, but I did not talk to her.
671. Do you recollect seeing her coming from Mr. Bentall's?—No.
672. Have you been examined upon this subject?—Yes.
673. Have you made a statement?—Yes.
674. Just tell me, is that your handwriting (*showing a paper to the Witness*)?—Yes.
675. Having reminded you of that being your handwriting, I ask you whether you saw Chaney's daughter returning from Mr. Bentall's?—No.
676. Did you see her anywhere?—Not to speak to her.
677. Did she speak to you?—No.
678. Do you mean to say you do not recollect her speaking to you, saying something to you?—I do not.
679. Where were you on the day of election?—In Maldon.
680. Who did you vote for?—Moore and Peacocke.
681. Did you go to the Wellington upon that day?—No.
682. When was it you put your name to this paper; do you recollect?—One day when I was with Mr. Cood.
683. Can you tell me how long ago that was?—No, I cannot tell exactly the time.
684. Have you been speaking to anybody about the evidence you were going to give here to-day?—Not a word.
685. Have you had any communication with Mr. Digby?—Of what I was going to say here to-day?
686. Have you had any communication with Mr. Digby about the Maldon election?—Yes.
687. Since you signed this paper?—Yes.
688. Was that with regard to the evidence, the statement you had made?—Yes; I believe he asked me about that as well.
689. Did you tell Mr. Digby what you had told Mr. Cood?—I believe I did, or some of it.
690. Will you tell the Committee what you told Mr. Digby?—

[The Witness was directed to withdraw.

Mr. *Phinn* was heard to object to what was said by the Witness to Mr. Digby being given in evidence to affect the Sitting Member.

The *Chairman* stated that the question might be asked to ascertain whether the Witness had been tampered with, and that Mr. Digby had better withdraw while the Witness was examined.

The Witness was again called in.

(*The question was read.*)

Witness.] I told him that I expected that I was going up to the House of Commons through a note I had written to Mr. Bentall to get some money; to get 10 *s.* for Thomas Chaney from Mr. Bentall.

691. Go on?—And about a man of the name of John Chaney working a barge of coals for Mr. Bentall.

Charles Gill.

16 July 1857.

692. I only want you to tell in your own way what you told Mr. Digby?—And about some drink that was consumed at Mrs. Russell's.

693. What did Mr. Digby say to you, if anything?—I do not recollect his saying anything; I think that is all I told him.

694. Did Mr. Digby say nothing to you?—No; he did not say anything to me that I recollect.

695. Did Mr. Digby say nothing to you about what you then told him?—He might say, "Oh! that is of no consequence;" that is all.

696. Did he say so?—I cannot exactly say whether he did, or whether he did not.

697. Is that all that Mr. Digby said?—I believe it is; I do not remember anything else.

698. How long were you with Mr. Digby?—About a quarter of an hour, I think.

699. Do you mean that during that quarter of an hour all that passed between you and him was what you have just told us?—I was talking about my own business.

700. Private business?—Yes.

701. You went about your own private business?—Yes.

702. Having gone to Mr. Digby about your own private business, you mentioned this subject, or did he mention it to you first; how came it to be mentioned about Chaney at all?—I really forget whether I mentioned it to him first, or he to me.

703. Did he ask you whether you had made a statement to Mr. Cood?—I do not know whether he asked me, or whether I told him.

704. Did you tell him the statement you had made to Mr. Cood?—I told him some of it; not all.

705. Did you not tell him as nearly as possible the words you used to Mr. Cood?—No, I only told him what I have stated.

706. Did Mr. Digby ask whether you had signed a paper?—No.

707. Did you tell him you had signed a paper?—No.

708. Nothing about it?—No.

709. Did you tell him Mr. Cood had examined you?—I told him I had seen Mr. Cood.

710. You told him that Mr. Cood had taken down in writing what you had said?—No.

711. What more did Mr. Digby say to you?—I do not remember anything else.

712. You have told us that all he said was, it was of no consequence?—Yes.

713. Did not he ask you any questions about it?—Not that I recollect.

714. Try and remember?—I do not remember any.

715. Did you not tell him what you had had at Mrs Russell's?—No.

716. Did you tell Mr. Digby that you had been to the King's Head?—Not that I recollect.

717. May you have done it without remembering it; did you go to Mr. Digby, or Mr. Digby send for you; perhaps you can tell me that?—I went to Mr. Digby.

718. He did not send for you?—I believe not.

719. When was it you went to Mr. Digby; how many days or weeks ago?—Three weeks ago, I should think.

720. Having been at Mr. Digby's three weeks ago, cannot you tell me whether Mr. Digby sent for you, or you went of your own accord to him?—I believe I went of my own accord.

721. And you undertake to say that all that Mr. Digby said to you was, "It is of no consequence"?—Yes; I believe they are the very words.

722. Those are the very words. Has anybody—I do not say who—has anybody else besides Mr. Digby spoken to you about your evidence?—Mr. Cood has, two or three times.

723. With the exception of Mr. Cood?—Yes; I believe Mr. Clark has.

724. Anybody besides Mr. Clark?—Not anybody that I recollect.

725. Can you tell me now—you told Mr. Digby, you see, three weeks ago—what you told Mr. Cood? Will you be good enough to tell me now whether you recollect seeing Chaney's daughter come from Mr. Bentall's?—I do not.

726. Then if you have stated so, it is not true?—It is not.

727. And

727. And you had no conversation with her?—Not a word. *Charles Gill.*

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Cross-examined by Mr. *Phinn.*

728. My learned friend talks about tampering. Had you gone to Mr. Digby's to give your evidence upon the petition against Mr. Moore and Mr. Peacocke?—Have I been to him?

729. Yes?—Yes.

730. You voted, you say, I think, for Mr. Bramley Moore and Mr. Peacocke?—I did.

731. You are aware there is a petition against Mr. Moore?—Yes.

732. Did you receive anything for your vote?—No.

733. Were you promised anything?

[The Witness was directed to withdraw.

Mr. *Rodwell* was heard to object to the question.

Mr. *Phinn* was heard in support of the question.

Mr. *Rodwell* was heard in reply.

The *Chairman* stated that the Committee could not at present go into any matter relative to the petition against Mr. Bramley Moore.

The Witness was again called in.

Mr. *Rodwell* stated that he did not wish to ask any further questions.

[The Witness withdrew.

Mary Chaney was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

734. YOU are the daughter of the voter, Thomas Chaney?—Yes. *M. Chaney.*

735. He is a voter for the borough of Maldon?—Yes.

736. Do you recollect, in March, your father sending you with any letter to Mr. Bentall?—Yes.

737. Where were you when your father gave you that letter to take to Mr. Bentall?—He came home to his house, and gave it to me.

738. Where did your father give it to you?—In his own house.

739. Did your father give you any directions what you were to do with the letter?—He told me to give it to Mr. Bentall.

740. Did he tell you what it was for?—To ask him to lend him the sum of 10*s.*

741. Did you see Mr. Bentall, and give him the letter?—I gave it to the servant, and the servant gave it to him, I believe.

742. Was any money brought to you?—Yes.

743. Who gave you any money?—Mr. Bentall.

744. How much money did he give you?—Half-a-sovereign.

745. What were you to do with it?—I went to shop with it.

746. Had your father told you to expend it in any way?—He told me if Mr. Bentall lent it to me, to take it, and go out shopping.

747. Was that to buy provisions or groceries?—To buy groceries.

748. Did you spend it in shopping?—Yes.

749. Do you know Gill?—Yes.

750. Do you know Russel's public-house?—Yes.

751. After you had got this 10*s.*, did you see Gill at Russel's public-house at the door?—No, I do not think I saw Gill for some days afterwards.

752. Did you show the money to anybody?—No.

753. To nobody?—No.

754. Did you see Gill some days afterwards?—I met him on the path from our house down to Russel's.

755. Did you say anything to him about having got any money?—No.

756. Not a word?—No.

M. Chaney.

16 July 1857.

757. Not about your having been to Mr. Bentall's for the money?—I do not recollect ever I did.

758. Not a word?—Not a word.

759. Did you say this to him, that you had got on very well, and could have had 10*l.* if you had asked for it?—No.

760. That you swear?—I do.

761. Did you tell your father you had got 10*s.*, and had spent it in groceries and shopping?—Yes.

Cross-examined by Mr. *Phinn.*

762. Can you tell me the date when you went for the money?—No, I cannot; but I know it was a fortnight after the election; it was on the Saturday fortnight after.

763. Does your father work for Mr. Bentall?—Yes.

764. What as?—As a coal-porter.

765. Has he been long in his employ?—Yes, for several years; and the old gentleman before him, the old Mr. Bentall, before this one.

766. Had you borrowed money before from Mr. Bentall?—I never did.

767. Had you known your father ever borrowing money from him?—I never did.

Re-examined by Mr. *James.*

768. You never heard of your father borrowing any money before from him?—No, I never heard of it.

[The Witness withdrew.

John Staples was called in; and, having been sworn, was Examined by Mr. *Edwin James*, as follows:

J. Staples.

769. WERE you, at the time of the last election for Maldon, the captain of a trading vessel?—I was.

770. What was the name of your vessel?—The "John and Martha."

771. Where was she trading at that time; where was she?—She was at Sunderland.

772. What is it; a collier, or what?—A collier.

773. What is her size, her tonnage?—One hundred and forty tons.

774. Is it your own vessel?—Yes.

775. Have you a vote for Maldon, as a freeman?—Yes.

776. How did you vote?—For Mr. Western.

777. You plumped?—Yes.

778. Who canvassed you?—No one.

779. No one; nobody canvassed you at all; where did you come from to vote?—Sunderland.

780. After the election did you receive any money?—No.

781. You did not?—No.

782. Not for expenses?—No.

783. Do you mean to swear that you did not receive a farthing?—I do.

784. Have you seen Mr. Digby since you voted?—Yes; I saw him to-day.

785. But before to-day; after you voted at Maldon?—No.

786. Never?—No.

787. Have you made any claim for expenses at the election?—No.

788. Not a farthing?—No.

789. Do you mean to say you have not?—No, I never did.

790. Do not you expect to be paid anything for your expenses?—No.

791. You made no claim?—No.

792. Have you never received anything for expenses at Maldon; for your voting expenses?—No.

793. And you made no claim?—No.

[The Witness withdrew.

Thomas Harland was called in; and, having been sworn, was Examined by Mr. *Slade*, as follows:

T. Harland.

16 July 1857.

794. DID you vote at the last election for Maldon?—Yes.
795. Whom did you vote for?—Mr. Western.
796. Did you give him a plumper?—Yes.
797. What made you give him a plumper?—I cannot tell; I thought he was worthy of it.
798. But you knew nothing of him; he was a stranger?—I inquired.
799. How came you to give Mr. Western a plumper; I want to know?—Because I was satisfied with what I heard him advance on the hustings.
800. You liked his speech upon the hustings?—Yes.
801. Had you made up your mind to plump for him before you came to the hustings?—No.
802. Take care; attend; are you the captain of a trading vessel?—Yes.
803. Where was your vessel?—At home, at Maldon.
804. You were not out upon a voyage when the election came off?—Yes.
805. Where were you when the election came off?—I left Maldon on the Monday before the election came on, and I arrived in Hartlepool on the Wednesday.
806. When was it that you heard the speech upon the hustings which won your heart?—On the Friday.
807. Then you had come back on the Friday?—I had.
808. What did you come back for?—To give my vote; I made up my mind to vote. I promised Mr. Western I would vote for him; but I did not promise him a plumper.
809. You promised him before you went away?—Yes.
810. Did you promise him you would come back to vote?—No.
811. Did you promise anybody you would?—No.
812. Did anybody write to you to come back?—No.
813. What did it cost you to come back?—About 50 *s.* altogether.
814. Have you been paid that?—No.
815. Do you expect it to be paid?—No.
816. Did you hire anybody to keep your vessel while you were away?—No.
817. Have you made any claim?—No.
818. None?—None.
819. Were you not led to expect that you would have it?—I had no inducement to expect anything.
820. Nobody gets anything at Maldon, do they?—I am not prepared to say that.

[The Witness withdrew.

Joseph Brown was called in; and, having been sworn, was Examined by Mr. *Edwin James*, as follows:

J. Brown.

821. I BELIEVE you are now residing in the service of Major Colgrave at the Bryanstone-square-mews?—Yes.
822. In March last were you in the employment of Mr. Chamberlaine near Chelmsford?—Yes.
823. Were you hired to drive a phaeton for the purpose of conveying voters from Chelmsford to Maldon?—Yes.
824. Did you drive to Mr. Joseph Riley's, the miller, at Woodham Walter?—Yes.
825. What directions did Mr. Riley give you when you got there; what did you do when you got there?—He asked me whether I had had any breakfast.
826. After you had had some breakfast did you start with Mr. Riley to Little Baddow to fetch some voters?—Yes.
827. How far is that from Maldon?—I do not know.
828. Did Mr. Riley, the miller of Woodham Walter, go with you to fetch the voters?—Yes.
829. When you fetched the voters where did you take them to?—Took them to the Wellington.

J. Brown.

16 July 1857.

830. The Wellington at Maldon?—Yes.

831. Was that the polling-day?—Yes.

832. Who directed you to take them to the Wellington at Maldon?—Mr. Riley; he went with me.

833. How many voters had you in your phaeton at that time?—Two.

834. You brought them from Little Baddow?—Yes.

835. When you got to the Wellington at Maldon what did you do with them?—Left them there.

836. In the inn?—Yes.

837. Did you go in the inn with Mr. Riley?—Yes.

838. Did Mr. Riley again, during the day, come to you for your phaeton?—Yes.

839. Did Mr. Riley go with you to the Wellington to take those two voters anywhere?—To fetch them down to the polling-booth.

840. To drive those two voters whom you had left at the Wellington public-house to the polling-booth?—Yes.

841. How long had they been left at the Wellington public-house before you took them again to the polling-booth?—About two hours.

842. Did Mr. Riley go with them to the poll?—I believe he did.

843. In your phaeton?—Yes.

844. Did he give you any directions after they had polled as to where to take them again?—He told me he would let me know.

845. Did he afterwards tell you where to take them back?—Yes.

846. Where?—To take them up at the Wellington.

847. Did he tell you so?—I cannot say whether he told me so, or whether Mr. Blanchflower told me.

848. When you took them up at the Wellington, did you see Mr. Riley there?—Yes.

849. You saw Mr. Riley at the Wellington when you took them up?—Yes.

850. Did you drive them home to Baddow?—Yes.

851. What time did you take those two up again from the Wellington after polling?—I should say about six o'clock.

852. Did you go into the Wellington?—Yes, I just went in.

853. Did you see many people drinking there?—There was a few people in; I did not see much drink.

854. What room did you go into?—I did not go into any room.

855. Did Mr. Riley go home with you with the voters?—He went with me in the phaeton.

856. With the same voters back to Baddow?—No, I left one behind.

857. How was that?—He said that he would walk.

858. Did Mr. Riley go back with the voter to Baddow?—No; I set him down at his house.

859. Was Mr. Riley the party who gave you directions that day to take those voters to the poll?—He did.

Cross-examined by Mr. *Phinn*.

860. Did you take more than those two to the poll that day?—I believe I did.

861. How many?—I believe there was another one or two.

[The Witness withdrew.

Ann Blank was called in; and, having been sworn, was Examined by Mr. *Slade*, as follows:

Ann Blank.

862. DO you live at Maldon?—Yes.

863. Do you know Mr. Joseph Riley, the miller, at Woodham Walter?—Yes.

864. Do you know him well?—Yes.

865. Were you at Maldon on the election day?—I was.

866. Do you know Mr. Western's committee-room?—Yes.

867. Do you know, in Maldon, a public-house they call the Duke of Wellington?—I do.

868. How

868. How far is that from Mr. Western's committee-room?—Not a quarter of a mile. *Ann Blank.*

869. Is your house anywhere near the committee-room?—Yes, joins it. 16 July 1857.

870. I believe there were a good many people very active about the election, were there not?—I believe there were.

871. How about this Mr. Riley, the miller?—Well, I cannot say much about him; I have seen him at the committee-room.

872. More than once?—I have.

873. Very often?—I have seen him there several times.

874. Going in and out?—I have.

875. Did you see him in the public-house called the Duke of Wellington?—No.

876. Was he in the committee-room, in and out, all the day?—I cannot say, exactly, all the day, he was in and out there at different times.

Cross-examined by Mr. *Phinn.*

877. What makes you call this the committee-room, is that a name you give it yourself; did you know it to be a committee-room?—Yes.

878. How did you know it?—The gentleman that belonged to it called it the committee-room.

879. Whom did you ever hear call it the committee-room?—I heard Mr. Smith call it the committee-room.

880. Who is Mr. Smith?—Mr. Smith, the currier.

881. How often will you undertake to say you saw Mr. Riley go in and out of that room?—I cannot say.

882. Two or three times?—Yes.

883. Did you see a great many other people go in and out?—I did.

884. Dozens and scores of people, I believe?—Most likely I did.

[The Witness withdrew.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 17° *die Julii*, 1857.

NAMES of the Members were called over; all present. 17 July 1857.

Mr. *Rodwell* called for the cheque for 10 *l.* relative to the coals which Mr. Digby promised to produce to day.

Mr. *Digby* stated that he had not been able to go to Maldon to find the cheque, and therefore he could not now produce it.

Mr. *Rodwell* asked whether a copy would be admitted.

Mr. *Digby* handed a paper to the learned Counsel, which he stated to be a copy of the cheque.

Mr. *James* stated, that he would take that as secondary evidence of the cheque.

[*The same was delivered in, and is as follows:*]

"Maldon, 22d January 1857.—London and County Banking Company; Maldon Branch—Pay Mr. George Howe, or bearer, Ten pounds.

(£. 10 – –) (signed) *G. W. Digby.*"

Thomas Webb was called in; and, having been sworn, was examined by Mr. *Rodwell*, as follows:

Thomas Webb.
17 July 1857.

885. WHERE do you live?—Danbury.

886. That is three miles from Maldon?—Between three and four.

887. Are you a freeman?—Yes.

888. Do you know Mr. Joseph Riley, a miller, of Woodham Walter?—Yes.

889. Do you recollect seeing him a few days before the election?—He came to me a few days before the election.

890. What did he say to you?—He asked the favour for a vote.

891. For whom?—Mr. Western.

892. What did you say?—I gave answer so far as this: I could not give an answer about it; I would see about it at the day of the election; I had not made no promises nowhere.

893. When you said that, what did Mr. Riley say?—He said so far as this: if I could do him that favour, he would answer to give me my flour a shilling a bushel cheaper than what the custom of the country was.

894. What else did he say?—He said no more to me that day; not to my knowing.

895. What did you say to that, when he said this?—I said I should not answer to give him the favour of a vote that day.

896. You would not promise?—No; I did not, but if I had, I could have had it.

897. Have had what?—The flour cheaper.

898. Had you dealt with Mr. Riley?—No; I never have, in my life.

899. What is he?—A miller.

900. Were you at Maldon on the day of the election?—Yes.

901. When you got to Maldon, did you see a man by the name of George Allen?—I did.

902. Did you go anywhere with him?—I went up to the Duke with him.

903. You mean the Duke of Wellington?—Yes.

904. When you got to the Duke of Wellington, did you see Mr. Riley?—I saw him coming away from there.

905. Did Allen say anything to you about Mr. Riley?—Not at all.

906. Did you speak to Mr. Riley there?—I do not know as I did.

907. Did he speak to you?—I believe not.

908. Did you go into the Wellington?—I went into the Wellington.

909. Who with?—With Allen.

910. When you got into the Wellington, what did you do there?—I had a part of two or three pints of beer with Allen; I seen other people doing so.

911. Did you pay for it?

Mr. *Phinn* objected, that if it was intended to go into the question of treating at the Wellington, agency must be proved first.

912. You had some beer?—Yes.

913. When you were in the Wellington, did you see other voters there?—Well, I see several more as I know was voters there; I saw John Nicolls for one.

Mr. *Phinn* objected, that agency must be first proved before treating.

Cross-examined by Mr. *Phinn*.

914. Whom did you vote for?—For the two Blues.

915. Have you always been a Blue?—No.

916. Who canvassed you for the Blues?—Mr. Peacocke and Mr. Moore.

917. Was it before or after you had seen Mr. Riley?—Before I had seen Mr. Riley.

918. Had you promised them?—No, I had not; I had not promised ne'er a one.

919. Repeat again to the Committee exactly what passed between you and Mr. Riley?—I do not know as I can repeat it to a word.

920. Try your best?—Mr. Riley came to me in the field when I was at work, and he came to me and axed me for the favour of a vote for Mr. Western, but I told him, I made the reply to say that I could not promise him a vote; then he says, "If you can do me that favour, I will let you have your flour a shilling a bushel

bushel cheaper than what you can get it according to the custom of the country." There may be a word wrong in it; I cannot say. *Thomas Webb.* 17 July 1857.

921. Had you never dealt with him for flour before?—No.

922. Where did you deal?—I had always dealt at Charles Wiggins's and at Binn's.

923. Is that in the village, Charles Wiggins's?—Yes.

924. Mr. Riley's is some way off, is it not?—About three miles off my house.

925. Did Mr. Riley ever come to you again about your vote?—No.

926. Did you ever speak to him again about it?—I do not know that I did.

[The Witness withdrew.

John Brightwell was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

927. WERE you in Maldon on the day of the election?—I was. *J. Brightwell.*

928. Do you know a man by the name of John Turner?—Yes.

929. Is John Turner a voter?—He is.

930. Did you go anywhere with Turner?—I did.

931. Where to?—To the Wellington; I asked him first——

932. I must not have what passed between you and Turner at present; do you know Mr. Western?—I do.

933. On your way to the Wellington did you see Mr. Western?—I saw Mr. Western at the front of the Wellington.

934. Did Mr. Western say anything to you; was Turner with you when you saw Mr. Western?—He was with me.

935. What did Mr. Western say?—He asked me whether I had voted; I told him I had not, for I was not on the register. I was a free burgess of the borough, but not on the register.

936. Did you go into the Wellington?—Yes.

937. Did Mr. Western go with you?—No, he did not.

938. What did Mr. Western say to you?—He says, "Do you know how Turner is a going?" and I said, "I do not, sir;" says I, "Where he has given with his promise he will go, but I cannot say where."

939. Do you know the landlord of the Duke of Wellington?—I do.

940. Is that David Wright?—Yes.

941. Did Mr. Western say anything to David Wright?—Not that I know of.

942. What became of you?—He asked me whether I was adry; I said I was.

943. Who asked you that?—Mr. Western himself.

944. What did you say?—I told him I was; says he, "Go and get a glass of something to drink; as you are no voter, go and get something to drink."

945. Where did you go?—Into the Wellington.

946. Whom did you see when you got into the Wellington?—Mr. Wright.

947. When Mr. Western told you to go to the Wellington—or, who told you to go to the Wellington?—Mr. Western told me to go in and get something to drink.

948. Did you go in?—I did.

949. Did you get something to drink?—I did.

950. From whom?—From the landlord; he told me to sit down, and I should have some brought to me.

951. Was that Mr. Wright?—Mr. Wright or the waiter; it was from somebody in the room.

952. Did you ask for something to drink?—I did.

953. Did you get it?—I did.

954. Who supplied it to you?—I cannot say whether it was Mr. Wright or the waiter.

955. What did you say when you asked for it?—I told him Mr. Western had ordered me to have some.

956. What was the answer to that; what did anybody say?—"Very well, sir," and I sat down, and had some.

957. Did you sit down by yourself?—I took and asked Turner to drink out of the mug.

958. What was it you had to drink?—Porter.

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959. Anything else?—No.

960. Were you in a room, or standing at the bar?—We was in the room; I sat down.

961. Were there many people there in the room?—The room was full.

962. Where was Turner?—Turner came in and drank with me, and then he called for some, and I drank with him.

963. You did not pay for what you had?—No, I did not.

964. Were you asked to pay?—No.

965. You saw other people there; what were the other people doing?—Some drinking of grog and some drinking porter, and some one thing and the other; they were strangers to me; I was a stranger to Maldon.

966. Were the people there all drinking, more or less?—They were drinking as they sat down, some ale, and some grog, according to what they wanted.

967 Who was supplying them?—The waiter.

968. The same man who supplied you?—Yes.

969. Did you see Turner have some drink?—He had part of the same as I had. I left him; he had not voted then; I left him.

970. How long were you there?—I should say I was there two hours.

971. I suppose you were drinking the two hours you were there, more or less?—We drank gradually, as we liked to take it.

972. Was it a large room or a small room?—There is two rooms.

973. Were you in both?—Yes; sometimes in one, and sometimes in the other.

974. Are they both large rooms?—Not particularly; they are nice rooms.

975. How many people do you suppose there were at the time in the room?—I cannot say.

976. Were there 20?—I should say there was 20, women and men altogether.

977. In each room?—In each room, I should say.

978. Did the people come in and out, or were they the same people who stopped there the whole time you were there?—Oh no, they kept going in and out.

979. Did you see Turner pay for what he had?—No, I did not.

980. Did you see anybody pay for what they had?—I did not.

981. What did the people who came in there do; was refreshment on the table; the porter, or grog, was that on the table, or were the orders given?—The orders were given, and the waiters served them at the time while I was there.

982. You say you saw nothing paid for?—No, I did not.

983. Do you know George Allen?—No, I do not.

984. Do you know George Riley, the miller, of Woodham Walter?—No, I do not.

985. You say you saw Mr. Western in the front of the Wellington Inn; did you see him after you went out?—I did not; he left.

986. I suppose you went home?—I went home at last; I went on my way home.

Cross-examined by Mr. *Phinn.*

987. Do you live in Maldon?—I do not; I live at Great Baddow.

988. How far is that?—It is eight miles from Great Baddow to Maldon.

989. Are you often in Maldon?—Very seldom.

990. Did you know Mr. Western before?—I had seen Mr. Western many times.

991. Had you ever spoke to him in your life before?—I do not know that ever I did.

992. Had he ever spoken to you before?—Not that I know of.

993. What time of day was this that you say you saw him?—As nearly as I can guess about one or two o'clock.

994. Will you swear it was before three?—I cannot swear that it is, or it is not.

995. Will you swear it was before four?—It was before four.

996. Was it before three?—I think to the best of my recollection it was before three.

997. Will you swear it was before three?—I cannot swear that, I did not keep

keep an account at all; he left, and I went in, and I did not see any more of him.

998. Will you swear it was before four?—I will swear it was before four.

999. You will not swear it was before three, but you will swear it was before four?—I will swear it was before four; the poll was struck at four o'clock; then I considered Turner had voted; I had not seen Turner; I left Turner an hour before that.

1000. By the *Committee.*] Had he voted before that?—He had not, neither he nor his son.

1001. Not before you left?—Before I left he had not voted.

1002. Mr. *Phinn.*] Did you speak to Mr. Western first, or did he speak to you first?—He came up to me, and asked me my name, and asked me whether I had voted; I told him I had got no vote.

1003. Did you ever have a vote?—Yes, I voted twice in Maldon.

1004. For whom?—Mr. Quintin Dick and Mr. Wynne, when I took my freedom up; and I voted for Mr. Waddington and Mr. Dick.

1005. Which side have you voted for, Blue or Yellow?—Always Blue.

1006. Was anybody with Mr. Western when he spoke to you?—Not that I know of.

1007. Oh, yes; come, you can tell us whether anybody was with him?—I cannot say; there was a good many gentlemen walking backwards and forwards.

1008. Was anybody standing near Mr. Western?—There were several men in the road near to them; I was along with Turner.

1009. Was there anybody near Mr. Western who could hear what he said to you?—Yes, I cannot say who was; he did not speak it to me privately; he spoke it openly.

1010. Upon your oath, give us the name of any man you saw there, when Mr. Western spoke that?—I cannot say, only Turner was along with me.

1011. Did he hear what Mr. Western said?—I cannot swear that.

1012. How near was Turner to you when Mr. Western spoke to you?—As near as I am to that gentleman—(the Chairman).

1013. Was there anybody else in company with you?—There was not along with me.

1014. Was there anybody near?—There was around, and there was Turner.

1015. Were there 20 or 30 people about?—Yes, there might be.

1016. Tell me the name of anybody that was near?—I do not know anybody that was near; I was a stranger to Maldon; but I knew Turner to be a freeman. I do not know a dozen people in Maldon.

1017. Do you know Mr. Western when you see him?—I do not know that I should now.

1018. Just try and point out Mr. Western; he is in the room?—Is he?

1019. Now point him out?—I cannot say as I could.

1020. You have sworn that Mr. Western spoke to you?—I have.

1021. Then cannot you point Mr. Western out; he is in the room, in front of you?—I cannot.

1022. Look round at the gentlemen, and point out Mr. Western?—I cannot; without that is the gentleman; that is the one.

1023. The gentleman with the yellow waistcoast?—No, this gentleman here in the front—(Mr. Bailey).

1024. You believe that to be the gentleman?—I do.

1025. Is that the gentleman standing up?—No, not him.

1026. Is it the next?—No, the front one here.

1027. Point out the gentleman to the Committee whom you said just now you saw?—This gentleman; I do not know no more like him; I cannot say any other.

1028. Is that the gentleman you think is Mr. Western?—I think so.

1029. Are you pretty sure of it?—I am not particularly sure.

1030. Is he very like the gentleman you took for Mr. Western?—Yes.

1031. You had seen Mr. Western a good many times before, had you not?—Not as I know of.

1032. Had you never seen him before?—I cannot say that.

1033. Had you ever seen Mr. Western before that day?—I had seen Mr. Western at Maldon; he said his name was Western.

1034. Had you seen him ever before the polling day?—Not to my knowledge.

1035. Did you not tell the Committee, in answer to my first question, that you had

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had often seen him, but you had never spoken to him?—That day I saw him, but not before; not that I know of; that day I saw him several times. I saw him on the hustings, and I saw him when the poll was closed; but I never saw him before, to my knowledge.

1036. Had you seen him ever in your life before the polling day?—I might, but I cannot say; I cannot swear I did, and I cannot swear I did not.

1037. Should you know the gentleman again that you saw who told you to go into this inn?—I cannot say I should.

1038. When did you first mention to anybody this conversation with Mr. Western?—On the day of the election.

1039. Whom did you mention it to?—To Mr. Baker.

1040. Who is Mr. Baker?—At Maldon Hall. Dr. Baker.

1041. Did you go up to tell him?—My daughter lived there, and I went to see my daughter, and I told him I had been at the election, and along with Turner, and he and I had been there drinking, and we had some porter together.

1042. What did you tell Mr. Baker?—I told Mr. Baker I had been with Turner, and that I had had some porter with him.

1043. Is that all you told Mr. Baker?—For anything I know of.

Re-examined by Mr. *Rodwell.*

1044. How came you to know that the gentleman who told you to go into the Wellington was Mr. Western?—Because I had seen him in the town in the morning.

1045. Had you been to the hustings?—Not then I had not.

1046. Had a person pointed him out to you as Mr. Western?—Yes, several times going up the town.

1047. Had you seen either of the other candidates?—I had not.

1048. You say you do not know whether you should know him again if you saw him?—I do not know I should; I will not swear it.

1049. Will you tell me again what it was you told Dr. Baker?—I told him I had been to Maldon, and I had been with Turner, and he says, "Has he voted?" I says, "He had not voted when I come away;" and I said he was a little freshy when I left him, and he and Mr. Western was in the front of the Wellington in the course of the day; and Mr. Western asked me whether I knew how he had voted. I said I could not tell; he would go the way he had promised to go; I could not say at all; and then he asked me to have some porter, and there was people drinking ale, and people drinking grog, and I never saw no money paid; that was what I told Mr. Baker.

1050. Just be good enough to stand up and look round the room deliberately, and say whether you see the gentleman who told you to go into the Wellington in the room, can you see him; look all round the room?—I do not say; I cannot say; they are most of them strangers to me, or quite.

1051. I ask you if you can see him?—No; I cannot pick any one out.

1052. You say you had not seen Mr. Western before?—No; I have seen him since.

1053. Did you hear any of the speeches?—I heard the speeches at the dinner at Chelmsford. I was a waiter at the Yellow dinner.

1054. Was Mr. Western at the Yellow dinner?—He was.

1055. Did he make a speech?—He did.

1056. Was the gentleman you had seen at Maldon the gentleman who made the speech at the Yellow dinner; the person who made a speech at the Yellow dinner?—I had no right to look; I was a waiter.

1057. Did the gentleman return thanks?—He did; I was at both dinners, the Blue and the Yellow.

1058. Is that how you came to think it was Mr. Western speaking?—Yes; they told me it was Mr. Western speaking. I did not know.

[The Witness withdrew.

John Turner was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

John Turner.

17 July 1857.

1059. ARE you a voter for Maldon?—Yes.

1060. Did you vote at the last election?—Yes.

1061. Who for?—Mr. Western and Mr. Peacocke.

1062. Where do you live?—At Little Baddow.

1063. How far is that from Maldon?—Between five and six miles.

1064. Whom did you come with to Maldon on the day of the election?—I rode in a four-wheeler that came from Baddow; what man it was drove it I am not able to say.

1065. Do you know Mr. Riley?—Yes; Mr. Riley and those men came up together to Mr. Gibson's; I was a going to ride in the van, but I had a very bad foot, and a strong inflammation in it, and I said I did not know whether I should be able to go at all; and Mr. Riley said, "You can ride in the chaise, and that will be easy for you; and there is Mr. Peacock, another old cripple like yourself, and he will be able to ride easy in the chaise too.

1066. Did Mr. Riley go with you to Maldon?—Yes.

1067. When you got to Maldon, where did you go to?—Stopped at the Duke of Wellington.

1068. When you got to the Duke of Wellington, did you get out of the chaise?—Yes.

1069. Was Mr. Riley with you?—He was in the road.

1070. When you got out of the chaise, where did you go to; did you go into the Wellington?—Yes, I hobbled into the Wellington as well as I could, and sat down.

1071. What time was it that you got to Maldon?—That I am not able to say, exactly.

1072. About what time?—Between 10 and 11 o'clock I suppose.

1073. When you got into the Wellington, what room did you go into?—I went into the tap-room.

1074. Did you sit down there?—I stopped there some little time.

1075. After stopping there some little time, where did you go to?—I went into the porter-room.

1076. What room is that?—A little room on the left-hand side as you go in at the door.

1077. What did you go in there for?—I went in there because I wanted something to eat; I ordered a plate of meat and bread, and a glass of rum and water.

1078. How came you to go into this room?—I do not know; because there was so many in the tap-room; I did not like sitting there amongst a lot of tobacco smoke, and one thing or another, to have a mouth full of victuals.

1079. You had some refreshment in the little room; were you alone there?—My son paid for a pint of porter in the tap-room.

1080. You got into the porter-room; when you got into the porter-room you told me you had a plate of meat and bread, and some rum and water?—Yes.

1081. Was anybody else with you in that room?—There was a good many of them in after I came in.

1082. What were those "good many" doing?—Some was eating, and some drinking, and one thing and another.

1083. Was the room pretty full?—It was, latterly.

1084. Who paid for the rum and water, and the bread and meat?—That I am not able to say; I did not.

1085. Did your son pay for your porter in the tap-room, or for his own porter?—He had only one pint, and I drank with him out of that.

1086. How long did you stop in the porter-room?—I sat in the porter-room some little time, for I was so lame that I could not walk about rightly.

1087. You sat how long in the porter-room?—I dare say I sat there a couple of hours.

1088. After that, do you recollect meeting with John Brightwell?—Yes; I walked down the town.

1089. With John Brightwell?—No.

1090. Did you meet John Brightwell in the town?—When I was coming up again I happened on John Brightwell.

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1091. Did you walk back to the Wellington with John Brightwell?—I did.

1092. Were you walking arm-in-arm, or what?—No.

1093. When you got to the Wellington steps, did you see anybody there?—I see no one in particular.

1094. Were there a good many people there?—There was a goodish many people there.

1095. Do you know Stephen Scotchman?—Yes; I know Stephen Scotchman very well.

1096. You saw a good many people there?—Yes.

1097. Do you know Mr. Western when you see him?—I did do at the present time; I do not know that I should now.

1098. What do you mean by "at the present time"?—Before the election.

1099. Do you recollect seeing him anywhere?—In the meantime I had been up there, and kept while Mr. Western came up there.

1100. Up where?—Up as far as the Duke, and before the Duke, and spoke to several of the freemen. Brightwell sitting down beside of me, bolts out; he said "There is Mr. Western, I will go and ask him for something to drink," and he went out, and I hobbled out as well as I could just behind him, and he asked him for something to drink, and Mr. Western said, "I dare not do it; that is more than my place is worth to give anything to drink;" and some of them says, "This man is not a freeman." He says, "I should have voted for you if I had been able; I have voted always for the Orange, but this year I got out of it." And some of them says, "Well, this man is not a freeman, sir." He says, "Well," he says, "he can have a drop of something to drink, if you like to give it to him."

1101. After that, what became of Brightwell?—Brightwell says, "I am going to have a drop of porter, come in and drink along with me," and I went in and took a glass with him, and after he had drunk and given me a glass, he sat down, and I poured out a glass for him and gave him to drink; and I says, "I think I shall go down and vote now, John." And he says, "Which way are you going to vote?" and I said, "That is best known to myself. I have made up my mind to vote, and that way I shall not alter."

1102. What time of day was this?—It was about half-past three o'clock.

1103. The porter you drank with Brightwell you did not pay for, I suppose?—I did not pay for it; whether he did or did not I do not know.

1104. What room was it you went into with Brightwell?—The porter-room.

1105. Were there many people there?—Yes, there was a goodish many in that room.

1106. What were they doing?—Some was drinking, and some smoking, and some eating, I suppose, at the present time.

1107. Had you been canvassed for your vote before the election?—Yes.

1108. Whom by?—Mr. Western came and canvassed me, but I did not promise to him, nor yet no other one.

1109. And you did not vote, you tell me, I think, till half-past three?—I voted about half-past three or a quarter to four, as near as I can tell you.

1110. Who went with you to the poll?—No one.

1111. By the *Committee.*] Whom did you vote for?—Mr. Western and Mr. Peacocke.

1112. Mr. *Rodwell.*] You told me you knew Stephen Scotchman, and did you see him at the Wellington?—Yes.

1113. Did you see William Scotchman?—Yes.

1114. Samuel Campion?—Yes.

1115. James Peacock?—Yes.

1116. John Prior?—Yes.

1117. George Turner?—Yes.

1118. Joseph Maddox?—Yes.

1119. Where did you see these men; were those all voters?—They are all voters.

1120. Did you see them at the Wellington?—I did in the course of the day.

1121. What did you see them doing in the course of the day?—Sometimes they were smoking, sometimes drinking; sometimes one thing and sometimes another. At the time I was sitting there, I was so lame I could not hobble about much myself, and I sat there a good bit more than I should have done if I could have got about the town; I should have got about the town more.

1122. Do

1122. Do you know William Brown?—Yes.

1123. William Campion?—Yes.

1124. William Joslyn, a Woodham Walter man?—Yes, I know him very well, the old gentleman.

1125. William Pilbrook?—Yes.

1126. Edward Simpson?—Yes.

1127. James Simpson?—I saw him too.

1128. Charles Taylor?—Yes.

1129. William Webb?—Yes.

1130. John Joslyn, a Woodham Walter man?—Well, I believe he was there, but I cannot say I exactly know him.

1131. Those other men are all voters, are they not?—Yes.

1132. And Woodham Walter men?—Yes.

1133. Did you see them in the Wellington?—Yes.

1134. Do you know a man by the name of James Basham?—Yes.

1135. Was he there?—I saw him come up to the Duke, but I never saw him have anything to eat or to drink.

1136. Did you see the other men I have spoken to eating and drinking and smoking?—I saw some of them eating and drinking and smoking; I cannot say to most of them.

1137. Outside the Wellington did you see Mr. Western. Did you see Mr. Western on the day of the election?—Yes.

1138. Where?—Up against the Wellington.

1139. What time of the day was it?—In the afternoon time; what time I am not able to say.

1140. Was it before you voted?—I believe it was after I voted, but I will not be confident exactly, whether it was before or after.

1141. Did Mr. Western speak to you?—Yes.

1142. What did he say to you?—He said, "How do you do?" and I said, "How do you again, sir?" I do not know whether I had voted then, or whether I had not; I said, "I shall not forget you," if I had not voted, and if I had voted, I said, "I have not forgotten you."

1143. Do you know whether Mr. Western was standing alone at this time?—I am not able to say whether any person was along with him or not.

1144. Were there many people about, or were you and he together alone?—There was ever so many people surrounded the gentleman.

1145. Do you know Mr. Henry May?—Of Malden?

1146. Yes.—Yes.

1147. Did you see him on the day of the election?—I cannot exactly say whether I did or did not.

1148. Do you recollect his speaking to you?—I do not know.

1149. How do you mean you do not know; you know Mr. May?—Yes.

1150. How did you get back to Little Baddow that night?—Rode back the same way as I went.

1151. Who went back with you?—The same person that drove me there drove me back; and Mr. Joslyn, of Woodham Walter, rode back as far as Woodham Walter with me

1152. You say you went back to Woodham Walter; have you seen Mr. Riley again since the election?—I cannot recollect that I have.

1153. Did you see him at Maldon during the day of the election, between the time of your arriving at Maldon and the time of your voting?—Yes.

1154. Where did you see him?—I saw him up at the Duke of Wellington.

1155. Where, at the Duke of Wellington, did you see him?—I saw him on the outside, and I saw him in the inside.

1156. Did you see him more than once?—I do not know whether he went away and came again or not, I am not able to say.

1157. How long did you see him inside the Wellington?—I saw him five or ten minutes.

1158. Where was he when you saw him?—Walking backwards and forwards in the Wellington.

1159. Where?—Sometimes he went on the outside and sometimes he came in again.

1160. What was he doing?—He was not doing anything that I saw.

1161. He was walking about?—Yes.

 1162. Was

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1162. Was he talking to anybody?—I did not notice that myself.

1163. Was he in the porter-room where you were?—He came in and looked round.

1164. Do you recollect his speaking to anybody in there?—I do not.

1165. Did he speak to you?—He said, "How do you get on with your foot"? I said, "It is very inflamed."

1166. Was that all he said to you?—I believe it is.

1167. Did anybody, when you were there, ask you about your voting?—Several asked me about my voting; I said I did not know how I should vote at present.

1168. When did you make up your mind how to vote?—Long before I came to Maldon.

1169. But you would not tell anybody?—I would not tell anybody.

1170. You told me you saw Mr. Riley at the Wellington; do you recollect seeing him afterwards about in the town?—He was there at the time I got up to go home in the chaise.

1171. Did he say anything to you then?—Yes; he said "You had better go home now," he says; "if you stop till it gets dark you may get your foot hurt; I would advise you to go home in the chaise; this man is going to Chelmsford, and he will take you to little Baddow."

1172. In going to Chelmsford, they went round by Little Baddow to take you home; is that it?—Yes.

1173. Did Mr. Riley help you into the carriage?—That I am not able to say.

1174. How do you mean "not able to say"?—Whether it was him or anybody else that helped me in, I am not able to say who it was.

1175. Were you a little the worse for liquor?—I was not, no more than I am at the present moment.

Cross-examined by Mr. *Phinn.*

1176. Mr. Weston is in the room; just point him out, if you please?—I cannot see him just exactly looking round; I rather fancy this is the gentleman.

1177. Just point to the gentleman?—Is this the gentleman (*pointing to Mr. Bailey*)? I am very near-sighted; I cannot see exactly.

1178. Mr. *Rodwell.*] You cannot see further than where that gentleman is?—I cannot; I knew him at the present time, but I cannot say altogether that I know him now.

1179. Mr. *Phinn.*] You are quite sure that Mr. Brightwell spoke first to Mr. Western, are you not?—I am.

1180. Quite sure of it?—Quite sure of it.

1181. Was Mr. Brightwell sitting with you when he said Mr. Western was coming?—He was; he was very forward in liquor too, Brightwell was.

1182. Brightwell was very forward in liquor?—He was.

1183. Was he pretty nearly drunk?—He was not far off.

1184. How did he walk; did he stagger?—He did not much better than make a stagger of it.

1185. He said he would go and ask Mr. Western for some drink, did he?—He would go and ask him for something to drink, and shake hands with him.

1186. Did you stay in the public-house, or did you go out?—I went outside.

1187. You went out with him?—I went out; followed him out.

1188. He went up to some gentleman; you say it was Mr. Western; just say the first words that Brightwell said to Mr. Western?—That I am not able to say, the first words.

1189. Did he ask him for drink?—He asked him he hoped he would stand something to drink; he said he would have given him a vote if he could, but he was not able to give him a vote at that election.

1190. Did Mr. Western ask him anything about your vote?—I do not think he did.

1191. Should you have heard him if he had?—I think I should.

1192. Were there plenty of people standing round?—There were a good many standing round.

1193. Was there anybody you knew?—Of course there was most of them that I knew, only I cannot call them to recollection.

1194. Are

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1194. Are you quite sure there was a great crowd round?—There was as many as ten or a dozen; if Mr. Western is in the room, he knows that to be the truth.

Re-examined by Mr. *Rodwell.*

1195. You say that Brightwell was not sober; were there any others besides who were not so?—I did not notice any more being fresh besides him; and where he had been a getting of his drink before he came there I am not able to say; he was very forward when he came up.

1196. Is he a friend of yours?—He is a friend as far as this, I knows him very well.

1197. And you had been walking up the town with him?—He happened on me, and I came walking up the town with him.

[The Witness withdrew.

John Nicholls was called in: and, having been sworn, was Examined by Mr. *Rodwell,* as follows:

John Nicholls.

1198. DID you vote at the last Maldon election?—Yes.

1199. For whom?—Mr. Western.

1200. Plumped?—Plumped for Mr. Western.

1201. You live at Danbury, I think?—Yes.

1202. How did you go to Maldon on the election day?—I was carried by my master.

1203. Who was he?—When I say "master," he is my master as far as this, it is Mr. Pledger's bailiff.

1204. You went with him to Maldon?—Yes.

1205. When you got to Maldon, where did you go to?—To the Wellington house.

1206. What did you go there for?—We was ordered to go there to meet the Orange party.

1207. By whom?—Mr. Joseph Riley.

1208. What time did you get to the Wellington?—I cannot say exactly, somewhere about 11 o'clock I believe.

1209. When you got to the Wellington, where did you go to?—Went to a little room on the left-hand side.

1210. Was anybody in it when you got there?—Yes.

1211. Many?—There were several, but I cannot say how many.

1212. What were they doing?—Eating and drinking.

1213. When you got into the room what did you do?—Sat down, and done the same.

1214. Who invited you to go and do the same?—I was not invited at all.

1215. What led you to go into that room?—A gentleman tapped me on the shoulder, and said nothing at all, and opened the door and put me into the room.

1216. Do you know who it was?—Yes.

1217. Who was it?—Mr. Joseph Riley.

1218. You say you did the same as the others were doing; how long did you stop there?—All day.

1219. What were you doing all day?—Nothing at all, only taking refreshment sometimes.

1220. What was that; what had you?—Some bread and meat and porter.

1221. Anything else?—Well, there was a drop of gin on the way.

1222. Anything else?—No, not that I know of; I did not see any.

1223. What time did you go to the poll?—As near as I can guess, about half-past three in the afternoon.

1224. Then you were sitting at the Wellington from 11 till half-past three?—Yes.

1225. Did you go up to the poll alone?—No.

1226. Who went with you?—I do not know.

1227. How do you mean you do not know; was it a stranger?—A stranger to me who he was I do not know.

 1228. Did

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1228. Did the stranger come for you in the Wellington?—No.

1229. Where did you meet; at the Wellington?—He went from the Wellington with me.

1230. Did he come into the room were you were sitting?—Well, I cannot say whether he did or did not.

1231. How did you come to vote; did any one ask you to go up to vote?—No.

1232. You got up then of your own accord to go to vote?—I did.

1233. Where did you meet this person; at the Wellington?—He went from the Wellington with me.

1234. Did you pay for anything you had during the day at the Wellington?—Yes.

1235. How much?—Twopence.

1236. That was cheap, was it not; you were refreshing yourself from 11 till half-past three, and you had bread and meat, you tell me, and porter, and gin, I think, and you paid only 2 *d.*?—Yes.

1237. Whom did you pay the 2 *d.* to?—The landlady.

1238. Did she ask you for payment?—No.

1239. How came you to pay the 2 *d.* then?—I called for a pint of porter and paid for it.

1240. When was that; after you had voted or before?—Before.

1241. Then you paid 2 *d.* for the pint of porter?—Yes.

1242. Did you only drink a pint of porter?—I drank more than that in the day.

1243. Then you paid one 2 *d.* for one pint of porter?—Yes.

1244. But all the rest you had for nothing?—Yes.

1245. When you were at the Wellington, or rather during the day you were at Maldon, did you see Mr. Western?—Yes.

1246. Where?—Opposite the Wellington.

1247. What time of the day was that?—I think it was between two and three o'clock.

1248. Did you speak to him?—No.

1249. Did he speak to you?—No.

1250. What was Mr. Western doing at the time?—I saw him talking with a man in the street.

1251. Were there many people about?—There were several people round.

1252. Do you recollect the names of the people that you saw in this room where you had your refreshment?—No, I do not.

1253. Not any?—No, I do not; I believe there was a man of the name of Turner.

1254. Is he a voter?—He was a voter I believe.

1255. Is that John Turner, a man who is a little lame; had a bad foot?—I believe it was him; I believe he had a bad foot at the time.

1256. Did you drink with him?—We was all drinking together.

1257. You say you were all drinking together; how many do you mean by "all"?—All I see there.

1258. How many was that?—I cannot say how many.

1259. Twenty or 30, or 10, or what?—There might be 20 perhaps; there was not so many; I cannot say; I did not take any account of what there was.

1260. Do you know Sill the blacksmith?—Yes.

1261. Is he a voter?—I do not know.

1262. You come from Danbury, do not you?—Yes.

1263. Did you see any Danbury men in the room where you were?—I did.

1264. Before you went to the Wellington, and before you had this tap on your shoulder, had any one told you you were to have anything to eat at the Wellington?—Mr. Riley told me he could give me a pint or two of porter if he thought proper.

1265. That was before you started?—Yes.

1266. You are an old voter; I think you have voted a good many times, have you not?—I have voted since the year 1826.

1267. Had you ever voted yellow before?—Yes.

1268. When?—I voted for Mr. Peter Wright and Mr. Leonard; how many years ago it is I do not know.

1269. Since that time have you ever voted yellow?—No, not till this last.

1270. The last six or seven elections have you always voted blue?—Yes.

1271. Is

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1271. Is Mr. Joseph Riley in any way connected with you, your master, or do you work for him at all?—No, I never knew the man before.

1272. Can you tell me what day it was he first spoke to you about the election?—Yes.

1273. When?—The Thursday before the election took place.

1274. Did he come over to see you?—Yes.

1275. Who was with him?—I did not see any one.

1276. He came alone, I suppose?—I suppose he did.

1277. What did he say to you about voting when he saw you?—He asked me which way I was going to vote.

1278. Did you tell him?—I did.

1279. What did he say?—He did not say anything no further, because that was what he wanted; I had promised Mr Western.

1280. Before you had promised to vote for Mr. Western, had anything more passed between you and Mr. Riley than what you have told us, besides those few words?—No.

1281. How long was Mr. Riley with you?—Ten minutes, perhaps.

1282. Did you know him when he came up to you?—No.

1283. What did he say to you?—My master knew him.

1284. Was your master with you?—No my master came up with him.

1285. Mr. Riley asked you if you would vote for Mr. Western?—Yes.

1286. Did he put your name down, did you see?—I believe he did; I do not know.

1287. Had he a book in his hand?—He had a book.

1288. Whether he put your name down you cannot tell?—No.

Cross-examined by Mr. *Charnock.*

1289. Previous to seeing Mr. Riley, had you promised Mr. Western?—I had promised Mr. Western before I saw Mr. Riley.

1290. At the time that Mr. Leonard was a candidate you voted for him?—Yes.

1291. I believe the promise you made to Mr. Western was personally to Mr. Western, was not it?—It was.

1292. At the time he canvassed you?—Yes.

1293. You say, when you got to the Wellington, you paid 2 *d.* for beer; did you see other people pay?—No.

1294. Did you not see other people pay money?—No.

1295. How came you to pay 2 *d.* then?—I do not know how that came.

1296. You did pay it?—I did pay it.

1297. What did Mr. Riley say when he tapped you on the shoulder?—Nothing at all.

1298. Who tapped you on the shoulder?—Mr. Riley.

1299. What did Mr. Riley say?—Nothing.

1300. Who brought you into Maldon?—My master's bailiff.

Re-examined by Mr. *Rodwell.*

1301. My learned friend asked you whether you paid this 2 *d.*; had any one told you in the course of the day to pay 2 *d.*?—No.

1302. Is that the price of a pint of porter at Maldon?—Yes.

[The Witness withdrew.

John Prior was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

John Prior.

1303. ARE you a Maldon Voter?—Yes.

1304. Did you vote at the last election?—Yes.

1305. For whom?—For Mr. Western and Mr. Moore.

1306. Where do you live?—Little Baddow.

1307. How did you go to Maldon?—Rode in Mr. Riley's van.

1308. Was Mr. Riley with you?—No.

1309. How came you to go in Mr. Riley's van?—I do not know.

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1310. Did the van call for you, or did you go anywhere to meet it?—I met it at the public-house.

1311. What public-house was that?—Gibson's.

1312. What is the name of it?—The Queen's Head, I believe.

1313. Is it at Little Baddow?—Yes.

1314. What time did you go to the Queen's Head?—About seven o'clock.

1315. Had any one ordered you or asked you to go to the Queen's Head?—No.

1316. How came you to go there?—I know'd the van was coming there.

1317. Who told you the van was coming there?—I think Mr. Pledger.

1318. When you got to the Queen's Head, what did you do there?—I had some beer.

1319. Were you alone, or were there any other persons with you?—I was alone; I bought the beer I had there.

1320. Were there any other persons with you?—No.

1321. You went there alone?—Yes.

1322. You bought some beer; did you get into the van, and come to Maldon?—Yes.

1323. How many of you came together?—I do not know.

1324. About how many?—Six or seven, or nine or ten.

1325. Who drove you?—Mr. Riley's man.

1326. Is that Mr. Joseph Riley?—Yes.

1327. Does he live at Little Baddow?—At Woodham Walter.

1328. Did you know Mr. Riley before?—Yes.

1329. When you got to Maldon, where did you go to?—Went to the Wellington.

1330. What did you go there for?—When we stopped there, I went in.

1331. What did you go there for?—The van stopped there.

1332. What did you do when you got there?—Had some beer and victuals.

1333. Was that in a room, or in the tap?—In the parlour, in the room.

1334. Were you alone when you had that, or were other people with you?—There were several more there.

1335. What time was it when you got there?—Eleven, I should think.

1336. How long did you remain there?—An hour or more.

1337. Were you asked to go into the Wellington to have any refreshment?—No one asked me.

1338. How came you to go there, then?—I went in along with the rest of them.

1339. Were you shown in when you got there, or how came you to go into the parlour?—We were ordered in there by the servant.

1340. Who ordered you?—The servant what lived at the public-house.

1341. Did they ask you to go in, or what was said to you?—There was nothing said; I went into the room.

1342. You were shown into the room?—Yes.

1343. Was anything on the table when you got into the room?—There was some victuals and beer; I took some.

1344. You stopped there about an hour?—Yes.

1345. Did you pay for what you had?—No.

1346. Who did?—I do not know.

1347. Where did you go to then?—I went down to the hustings and voted.

1348. When you had voted, where did you go to?—I came up to that public-house and rode home again.

1349. Up to the Duke of Wellington?—Yes.

1350. What did you do with yourself when you got there?—I believe I had some more victuals, and some more beer.

1351. In the same room?—Yes.

1352. Who showed you in there?—I went in; I know'd.

1353. You did not want any showing, you knew your way?—Yes.

1354. How long did you stop there the second time?—I cannot say exactly, a couple of hours, perhaps.

1355. Did you stop there till you went home?—Yes.

1356. What were you doing all that time?—I kept having a little beer.

1357. Anything else?—No, I do not know anything else.

1358. Some gin?—No.

1359. Some

1359. Some rum?—No.

1360. Nothing but beer?—No.

1361. Were there any friends of yours with you at the time?—Only the parties I went with.

1362. Can you tell me whether, after voting, they came back?—Some of them.

1363. Did you see anybody pay for anything they had?—No, I did not; I did not pay, and I did not see any one else.

1364. Did you see any one pay?—No.

1365. When you wanted any more beer, whom did you ask for it?—I asked the publican, the waiter, and so on, and they brought it.

1366. Had you as much as you liked?—Yes; I had what I liked to call for.

1367. What time did you go home?—About seven, I should think.

1368. Did you stop in the Wellington from the time you went back after voting until you went home?—Yes.

1369. From that time till seven o'clock were you refreshing yourself?—Yes.

1370. Did you get a little fresh by that time?—No; I was not noways fresh.

1371. And you went home in the same conveyance that you came in?—Yes.

1372. And with the same party?—Yes.

1373. When you were at Maldon do you recollect seeing Mr. Western?—No.

1374. Who canvassed you for Mr. Western?—Mr. Western came round before the election.

1375. Who was with him?—There was a party with him.

1376. Who were they?—Mr. Pledger.

1377. Did you see Mr. Riley upon that occasion?—No; Mr. Riley never asked nothing at all about it.

1378. Did you see Mr. Riley at Maldon?—I believe I did. I never spoke to him.

1379. What was Mr. Riley doing when you saw him at Maldon?—I saw him at the Wellington.

1380. Where at the Wellington?—In the passage.

1381. What was he doing?—He was not doing anything when I saw him.

1382. Was he talking to anybody?—I am sure I do not know. I did not notice him much.

1383. How long was he there when you saw him?—I did not see him long; ten minutes perhaps.

1384. Where were you when you saw him?—I was going into the parlour.

1385. Does this parlour open into the passage?—Yes.

1386. How many men about were there altogether, besides your own party, in the room when you had this beer and meat, and so on?—There might be 20.

1387. Were they in and out during the day, or stopping there for nearly the same time that you were there?—I do not know; I did not stop; I left and came back again; I do not know whether they came in and out all day.

1388. Who went up to the poll with you?—I went up alone.

1389. And came back alone?—Yes.

1390. Do you recollect whether Mr. Riley came into the room and spoke to you before you went up to vote?—No.

1391. Did any one ask you to go up to vote?—No.

1392. You went of your own accord?—Yes.

1393. And came back of your own accord?—Yes.

1394. Who started you home in the evening?—I went home; because I should ride home in the van.

1395. Who came to you to let you know the van was ready, or let you know it was time to go?—The man that drove it.

1396. Is that Mr. Riley's servant?—Yes.

Cross-examined by Mr. *Charnock.*

1397. The people who were at the Wellington were almost all from Woodham Walter and Little Baddow, were they not?—Yes.

1398. Those two parishes join, do not they?—Yes.

1399. You say that Mr. Riley never asked you for your vote at all?—No.

1400. Nor canvassed you?—No.

1401. How had you voted before?—I mostly went half and half.

1402. One and one?—Yes.

 1403. And

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1403. And you voted the same way with this election again?—Yes.

1404. You voted upon this occasion for Mr. Western and Mr. Moore, did you not?—Yes; I was never asked by ne'er a one.

1405. Is the Wellington public-house or beer-house at the entrance of the town at which you came in?—Yes, the public-house.

1406. Is it at the entrance from Woodham Walter?—Yes; it is the first house you get at from Woodham Walter.

Re-examined by Mr. *Rodwell.*

1407. Is the Duke of Wellington the first house you come to?—Yes.

1408. How far do you live from Maldon?—About five miles.

1409. Did you go into any other public-house besides the Wellington at Maldon?—No.

[The Witness withdrew.

Mark Barker was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mark Barker.

1410. WERE you at Maldon on the last election day?—Yes.

1411. Do you know Mr. Joseph Riley?—Yes.

1412. Did you see him in the course of the day?—Yes.

1413. Where?—At the Wellington.

1414. What was he doing at the Wellington?—That I do not know, whether he was doing anything; I do not know exactly what he was doing.

1415. What were you doing?—I asked him for some refreshment.

1416. How came you to ask Mr. Riley to give you some refreshment?—Because I thought he would if I asked him.

1417. Did he ever give you any before?—No.

1418. What was Mr. Riley doing?—I do not know; he was standing against the door when I saw him; that was all he was doing.

1419. You asked Mr. Riley to give you some refreshment?—Yes.

1420. You had not a vote?—Not this time.

1421. Have you been a voter before?—Yes, but not on the list this time.

1422. What did you say to Mr. Riley?—I asked him to give me some refreshment.

1423 What did he do?—He took me up to the bar, and told the landlady to let me have something to eat and drink.

1424. Had you something to eat and drink?—Yes.

1425. Where did you have it?—In one of the parlours.

1426. How many people were there besides you having refreshment?—There were several people there, but not anyone I knew, having refreshment.

1427. They were all strangers to you?—Yes.

1428. Did Mr. Riley go into the room with you?—No.

1429. Who showed you into the room?—The landlady told me to go into the room.

1430. When you got into the room you found refreshment ready set out, did you?—It was brought to me when I got in.

1431. After you went into that room did you go into another room?—Yes.

1432. Who took you in there?—I went in on my own account.

1433. Do you mean that you went in without being asked or ordered?—Yes.

1434. Why?—It was my fancy just at the moment.

1435. Did you walk in?—Yes.

1436. Did anybody stop you?—No.

1437. What did you do when you got there?—I saw some friend there that I knew.

1438. Who was your friend?—John Nichols.

1439. Has he a vote?—Yes.

1440. Did you see any other friend?—Thomas Webb.

1441. Is he a voter?—Yes.

1442. Any more?—I did not know any more.

1443. George Turner, do you recollect seeing him?—There was a Turner or two there, but I do not know exactly which it was.

1444. What

1444. What did you do when you got in there?—I had some porter with the rest.

1445. How did you get the porter?—John Nichols gave me some.

1446. How long did you stop there?—About two hours.

1447. What were you doing there two hours?—Smoking my pipe and drinking some porter.

1448. Anything else?—Nothing else.

1449. Had you any brandy and water?—Not then.

1450. When had you the brandy and water?—Just after I had my dinner.

1451. Where had you your brandy and water—at the Wellington?—At the Wellington, in the parlour, where I had my victuals.

1452. Had you as much as you liked to call for?—I had two small glasses of brandy and water, me and my son.

1453. After your dinner?—After my dinner, me and my son.

1454. Is your son a voter?—No, he is a small boy, ten years old.

1455. Was your son with you?—Yes.

1456. Did you pay for anything that you had that day?—Nothing.

1457. Did you see anybody at all pay?—Not any one that was with me.

1458. Not any one while you were in the room?—No.

1459. Did you see a man of the name of Giles Austin there?—No.

1460. Do you know Giles Austin?—No.

1461. Do you know John Scudley?—No.

1462. The only men that you can recollect that you knew are the names you have mentioned?—Yes.

1463. What time did you leave?—About half-past three.

1464. Did you see Mr. Riley after you had had this refreshment?—No.

1465. Not in the Wellington or in the town?—No.

1466. Did you order these glasses of brandy and water for yourself?—Two glasses of brandy and water.

1467. Did you order them?—Yes.

1468. Was anything said about paying?—No.

1469. They were brought to you at once?—They were brought to me, and nothing said about paying.

1470. Did you see other people have brandy and water in the same way?—No.

1471. You were the only gentleman that had brandy and water?—That is all, all I see.

1472. What had the others?—Porter.

1473. Anything else?—Beer.

1474. Did you see a little rum; did you see Nichols have some rum?—No.

1475. But you had brandy and water?—Brandy and water.

1476. And a pipe?—I had a pipe, but I found my own pipe and tobacco.

1477. Were others smoking?—I do not know.

Cross-examined by Mr. *Charnock.*

1478. Where do Nichols and Webb and Turner live?—One at Little Baddow.

1479. Who lives at Little Baddow?—Turner lives at Little Baddow; John Nichols at Brickmaker.

1480. Where does he live?—At Brickmaker.

1481. Where does Webb live?—At Runsall.

1482. How far is that from Maldon?—Four miles.

1483. You say you were not upon the list of voters this time?—No.

1484. How was that?—I was not on the list; I do not know how it was.

1485. How did it happen, do you know?—No, not exactly.

1486. You always voted for the Blues, did you not?—Not always.

1487. Not always; when did you vote the other way?—I voted for Mr. Leonard the first time I voted.

1488. That was the only time you ever voted that way, was not it?—I believe so; I forget now.

1489. How came you to go to this place?—I do not know exactly how it was; I had a fancy to go up there.

1490. Did anybody send you there?—No.

1491. Did anybody tell you to go?—No.

 1492. You

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1492. You went of your own accord?—I went on my own accord.
1493. Are you sure of that?—Yes, I did; no one sent me.
1494. Did you come from home that day?—Yes.
1495. Where do you live now?—At Runsall.
1496. How far is that from Maldon?—Four miles.
1497. Having no vote, you walked into Maldon on this occasion, did you?—I rode.
1498. Did you go to the poll?—I did not go to the poll.
1499. Who did you come in with?—Simpson.
1500. Is Simpson a Blue?—One and one.
1501. Did Simpson tell you to go to the Wellington?—No.
1502. Where did Simpson put you down?—At the Swan, Maldon.
1503. Simpson did not tell you to go into the Wellington?—No.
1504. To see what was going on?—No, not then.
1505. You went of your own accord?—I went of my own accord.
1506. By the *Committee.*] The Committee wish to be informed why you went to that public-house called the Wellington; was it in consequence of your hearing that meat and drink were being given away there?—No.
1507. What induced you to ask Mr. Joseph Riley to allow you to go in?—Because he was a gentleman I knew very well.
1508. Did you know that meat and drink were being given away there?—No, not until I got there; not until I asked him, and he took me in the room.
1509. But you were aware of its being given away when you asked that question?—Not until after.
1510. Not until after you got to the public-house?—Not until I got there and got inside.

[The Witness withdrew.

James Peacock was called in; and, having been sworn, was Examined by Mr. *Rodwell,* as follows:

James Peacock.

1511. WHERE do you live?—Little Baddow.
1512. How did you vote at the last Maldon election?—Mr. Western and Mr. Peacocke.
1513. Did you go with a party to Maldon on the day of election?—I went to Maldon from Little Baddow.
1514. Whom did you go with?—Mr. Riley.
1515. How did you happen to go with Mr. Riley; did he ask you to go?—No, he did not ask me to go, only the last time in Little Baddow, I went with them in the van.
1516. How did it come to your knowledge that you were to go in the van from Little Baddow to Maldon?—We mostly do go in a van.
1517. Do you mostly go in Mr. Riley's van?—Sometimes one and sometimes the other.
1518. What time did you go?—I do not know at all; it was between eight and nine.
1519. Where did you meet the van?—Against Maddocks's, the blacksmiths.
1520. Did you have some refreshment before you started?—No.
1521. Nothing at all?—No.
1522. You got into the van with some others?—There was a van and a four-wheeler; I rode in the four-wheeler; I was lame, and I rode with Turner.
1523. You went with Turner?—I did; Turner and I rode together.
1524. Whose four-wheeler was it?—I do not know.
1525. Was it a Maldon four-wheeler?—I understood it went from Chelmsford.
1526. Was it the ostler or the postboy that drove you in the four-wheeler?—No, Mr. Riley.
1527. Himself?—I do not know, as there was not a post lad that came with it; I think there was, but he rode with us.
1528. He rode with you; who?—Mr. Riley did.
1529. Who drove you, do you not know?—I think it was a lad; I came with the four-wheeler, but I did not take much notice.
1530. Where were you driven to at Maldon?—To the Wellington.
1531. Did you have some refreshment at the Wellington?—I had.

1532. Did

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1532. Did you have what you liked?—I had a bit of meat and a bit of bread, and a little beer, that is all I had there.

1533. Did you then go up to the poll?—I went into Maldon; I did not vote for some time after I got there.

1534. What time did you vote?—I should think it was two or three o'clock.

1535. How long did you stop at the Wellington?—An hour perhaps; I do not know.

1536. Did you pay for what you had there?—No, I never paid; I do not know who did, for I never asked.

1537. After you had polled, did you come back to the Wellington?—Yes.

1538. Did you call for refreshment?—I had a little beer.

1539. What else?—Nothing.

1540. How did you get this refreshment; who told you to go in and have anything at the Wellington?—When I went up to the Wellington, there was some of them from Little Baddow in there had some beer, and I had some beer with them.

1541. Who told you to go into the room and have some meat; did anybody tell you in the morning?—Mr. Riley went with me; he says, says he, "I suppose you want a little refreshment, do not you?" and I said, "Yes, I should like to have some, I had not had much this morning," and I had a little beer.

1542. Did Mr. Riley go to the Wellington with you?—In the morning?

1543. Yes?—Yes.

1544. After you had voted, you say you went back to the Wellington?—Yes.

1545. And had something more to eat and drink?—No, I had some beer.

1546. Who told you to go and get that beer?—I told you that some of them that came from Baddow was in there, and got some beer in there, and I went and I drank with them.

1547. Did you call for any beer yourself?—No.

1548. It was on the table, and you helped yourself?—They asked me to drink with them.

1549. How many were there?—I do not know.

1550. Were they the same parties who came with you in the morning?—Yes.

1551. How long did you stop there after polling?—I do not know.

1552. What time did you go home?—About seven o'clock.

1553. Did you stop at the Wellington from the time you polled until you went home?—No.

1554. What were you doing; where were you?—We stopped in the town.

1555. When did you get back to the Wellington after you polled?—I cannot tell, I am sure.

1556. How long were you gone to poll?—I was down in the town the whole day after I went in the morning.

1557. After you went in the morning, you polled about two or three o'clock, did you not?—I believe it was.

1558. After you had polled, what became of you?—I went walking about the town; I was going to hear the speech, but I was lame.

1559. Did you go back to the Wellington?—I went down the town again, and I saw a relation of mine, and he and I had something to drink.

1560. Did you pay for it?—Yes.

1561. Then you went back to the Wellington?—Yes.

1562. Did you see Mr. Riley again before you came back?—I saw him in the town.

1563. Where did you see him in the town?—Where they vote I saw him.

1564. Where the voters were?—Yes.

1565. You mean at the poll-booth?—Yes, just round there.

1566. What was he doing there?—He was walking about along with somebody, I did not know who.

1567. Did you see him again at the Wellington, after he left you in the morning?—I saw him go home just before I went away from the Wellington; he went away in a four-wheeler.

1568. In the course of the day, whilst you were at the Wellington, after Mr. Riley had left you there in the morning, did you see him again there?—Yes.

1569. Once, or more than once?—Only once.

 1570. What

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1570. What time of the day was it?—It was at night, when he was going home.

1571. Did you see Mr. Western at the election, on the day of election?—I saw him in the town.

1572. Did you speak to him?—No, I do not know that I did.

1573. Did he speak to you?—No, he did not; for he came to my house before the election was, and I told him I should not give him a vote.

1574. Had you ever voted Yellow before?—No.

1575. You told Mr. Western you would not give him a vote; had Mr. Riley ever asked you for your vote?—No.

1576. Nobody but Mr. Western?—Yes.

1577. Who had?—Mr. Ellis.

1578. Did you say you would not vote?—He wanted me to vote for the two Blues; I told him I would not give it; I told him I thought one was plenty for him to ask for; he ought to be satisfied with one; that is what I told him.

1579. Told Mr. Western?—No; Mr. Ellis.

1580. Are you sure that Mr. Riley never spoke to you about voting?—Mr. Riley never spoke to me about it; I never saw Mr. Peacocke nor Mr. Bramley Moore; I thought they were not going to put up; I did not know who to give my vote to; at last I promised Mr. Western one.

Cross-examined by Mr. *Charnock.*

1581. Mr. Riley never asked you about your vote?—No.

1582. Had you always voted before for the Blues?—I almost always used to vote for Mr. Dick and one of them.

1583. You got tired of that?—He was not there, or else I should have voted for him this time.

1584. You thought you would take a turn and give one to the Blues and one to the Yellows?—Yes.

1585. You say you have mostly gone in the van; had you gone in the van on former occasions?—Yes, several times.

1586. When you voted for the Blues, they took you in a van?—Yes.

1587. And they took you in a van this time?— Yes.

1588. And you voted one for Mr. Moore and one for Mr. Western this time; you split your vote?—No, I did not.

1589. Who did you vote for?—For Peacocke and Western.

1590. That is one and one?—Yes.

1591. Whom did you promise to vote for when you were canvassed?—I never promised any one but Mr. Western.

1592. You promised Mr. Western?—Yes; and the other two never came round to see, so I could not promise them.

1593. By the *Committee.*] Did you not tell us before that you refused Mr. Western, and told him you would not vote?—I did.

1594. Did you promise him when he came to your house?—I refused him when he first came; I gave it him afterwards.

1595. Did Mr. Western call upon you again?—No.

1596. What induced you to change your opinion?—I do not know; I was free to vote for any one I liked, and I thought I would give Mr. Western one.

1597. You changed your mind without any other influence?—Yes.

1598. Mr. *Charnock.*] Mr. Peacocke and Mr. Moore never came round?—I did not see them.

[The Witness withdrew.

Thomas Webb was again called in; and further Examined by Mr. *Rodwell,* as follows:

Thomas Webb.

1599. ON the day of the Maldon election did you go to the Wellington public-house?—Yes.

1600. How came you to go there?—I see George Allen in the town; I walked up with him.

1601. And you went into the Wellington?—I did.

1602. When you got into the Wellington what did you do?—I drank part of three or four pints of beer along with George Allen.

1603. Were

1603. Were you by yourself or others with you?—I was alone. *Thomas Webb.*

1604. After you had had parts of three or four pints with your friends, did you go into a room there?—No. 17 July 1857.

1605. Not at all in the course of the day?—No, I did not.

1606. Not in the Wellington?—No, I went only into the tap-room.

1607. Where did you dine that day?—I dined nowhere.

1608. You dined nowhere?—No, I did not; I had no victuals all the day long, except in the morning.

1609. Where did you get it?—At my own house.

1610. How long did you stop at the Wellington?—I cannot say; perhaps from half-an-hour to an hour.

1611. You are the witness who told us about the flour and Mr. Joseph Riley?—Yes.

1612. Did you see Mr. Joseph Riley upon the day of the election?—I see him in the town; I never spoke to him; I believe so.

1613. Do you know Mark Barker?—Yes.

1614. Did you see him?—I saw him in the Wellington.

1615. Was he one of those that you drank with?—He drank along with me.

1616. You did not pay for what you had, did you, at the Wellington?—I paid none.

1617. Nor do not know who did?—Not at all.

1618. What time of day was it that you voted?—Towards the latter end of the day; I dare say it might be two o'clock.

1619. Who did you vote for?—The two Blues.

1620. And you had nothing but this beer with Allen?—No.

1621. Was that in the tap-room or in the passage that you had that?—In the tap-room.

1622. You did not go then into the room where the people were?—I did not.

1623. And you had nothing to eat?—Nothing at all.

1624. Nothing but this beer with Allen?—Nothing else.

1625. By the *Committee.*] Who paid for the beer?—I cannot say.

1626. You do not know?—I do not.

Cross-examined by Mr. *Charnock.*

1627. What beer did you have?—Part of two or three pints.

[The Witness withdrew.

Stephen Scotchman was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

1628. WHOM did you vote for at the last Maldon election?—Mr. Western and Mr. Bramley Moore. *S. Scotchman.*

1629. Were you at the Wellington in the course of the day?—Yes; I called there in the day.

1630. Did any one tell you to call there?—No.

1631. What did you call there for?—I called there to get something to take to.

1632. Did you get something to take to?—Yes.

1633. What did you get?—I had some beer.

1634. What else?—I had a piece of victuals.

1635. What else?—I do not know that I had anything else.

1636. A little gin and water?—No.

1637. Brandy?—No.

1638. How long were you there?—I did not take any notice; I called there, and then went down to my sister's.

1639. Did you pay for what you had?—No, I did not pay anything; I told them I wanted something to take to.

1640. Whom did you tell?—I told Mr. Wright.

1641. The landlord?—Yes.

1642. Did he supply you?—I do not know who brought it into the room; it was brought into the room.

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1643. How came you to go to the Wellington to get something to take to, rather than any other place?—It is the only place to go to, a public-house.

1644. But there are other public-houses in Maldon?—Yes; but that is the usual place that I go to when I go into Maldon.

1645. Do you usually go to the Wellington to get refreshment without paying for it?—Not always; I should have paid for it then if they had asked me; they did not ask me, but I had the money in my pocket; they may do yet, now, perhaps.

1646. But you have never paid yet?—No.

1647. And you never have been asked?—No.

1648. Were you in a room with any other people, or alone?—There was people in the room when I was there.

1649. A good many were there?—I do not know how many.

1650. Was there a score?—I do not know how many; I did not count them.

1651. Were there 20 or 30?—I am sure I did not count them; I cannot say.

1652. Was there a room full of them?—No, the room was not full.

1653. Was it a large room?—No, it was not a large room.

1654. Cannot you tell the Committee whether there were 10 or 15, or 20 people there?—No; I did not take any notice.

1655. How long did you stop there?—I do not know.

1656. Did you go in there more than once?—I do not know that I did.

1657. Did not you go there more than once; did not you go in there after voting?—I went in there when I was coming home at night, that is all.

1658. You went in there in the evening?—Yes.

1659. When you got in did you have anything more to take to?—No.

1660. Nothing at all?—No.

1661. None at all?—No.

1662. Nothing at all?—No.

1663. Who did you go home with?—With several more who came from the same parish.

1664. Which parish is that?—Little Baddow.

1665. How far do you live from Maldon?—Little Baddow; I do not know how far it is.

1666. Three or four miles?—More than that.

Cross-examined by Mr. *Charnock*.

1667. You came with the out-voters from Little Baddow, I believe?—Yes.

1668. The Wellington is the place you generally stop at?—That is the place I generally stop at when I go to Maldon to see my sister.

1669. Had you been canvassed?—No.

1670. Had you promised your vote?—No.

1671. How have you voted on former occasions?—Mostly half-and-half.

1672. And you did the same upon this occasion?—Yes.

1673. Therefore the pint of beer you had made no difference in your vote?—No, it did not a morsel, it did not alter me a bit; I have always voted half-and-half.

1674. I think you say you had money in your pocket to pay if you had been asked?—I had plenty of money in my pocket; that is more than I have now.

1675. Did they not pay you when you came up, when they gave you the warrant?—Yes.

1676. Were all the people you saw there the persons who came in the van from Little Baddow?—Some of them were there and some were not; I do not know whether they was all, I am sure.

1677. Did you see any voters from any other place there?—Not that I know. I do not know; I seed some there, but I do not know who they were; not whether they were voters or not.

[The Witness withdrew.

Mr. *Rodwell* stated that, although he had a great number more witnesses as to the treating at the Wellington, he did not think it would be right to occupy the time of the Committee in calling them, but would proceed to another head of evidence.

George

George Allen was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

George Allen.

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1678. WHAT are you?—I am a licensed hawker.

1679. Where do you live when you are at home?—In Maldon.

1680. Previously to the last election did you see Mr. Digby, the attorney?—Yes.

1681. Was that with reference to the Maldon election?—Yes.

1682. Can you tell me the time when you first saw Mr. Digby?—On the 18th of March.

1683. Where did you see Mr. Digby?—At his office.

1684. Did he send for you?—Yes.

1685. When you got there what did Mr. Digby tell you?—He sent me out.

1686. What did he tell you; I want to know what passed between Mr. Digby and yourself?—I was to go out to see whether there was any treating going on with the other party.

1687. Tell us what he said to you; where were you to go?—I went to Runsall and Danbury that day.

1688. When you got to Runsall and Danbury, did you see any voters?—Yes.

1689. Who were they; do you recollect seeing Thomas Webb?—Yes.

1690. Is that the man who has been called this morning?—I have seen him here.

1691. Where did you see Webb?—At Mr. Wiggins's, the beershop.

1692. What did you go to Wiggins's, the beershop, for?—To see if there was any treating going on.

1693. When you got to Wiggins's, did you give any one any beer?—Well, I asked two or three to drink.

1694. Was Thomas Webb one?—Yes.

1695. Who else did you ask?—Edward Collis.

1696. Is he a voter?—Yes.

1697. What is the name of the other man?—I asked several to drink.

1698. Did you talk to them about the election; did you say anything about the election to them?—Yes.

1699. What did you say to them?—I asked them to vote for Mr. Western.

1700. How came you to ask them to vote for Mr. Western?—Because I was employed by the party.

1701. You mean by Mr. Digby?—Yes.

1702. Can you tell us what Mr. Digby told you at your first interview with him; I do not think you told us quite all?—I have, to the best of my knowledge.

1703. You asked these men to vote, did you?—Yes.

1704. What did you say to them?—I asked them whether they would oblige Mr. Western with their vote.

1705. How long were you there at Danbury, at Wiggins's?—I cannot exactly say; two or three hours, perhaps.

1706. When you left did you go back to Maldon?—Yes.

1707. Did you see Mr. Digby?—No.

1708. When did you see Mr. Digby?—The next day morning.

1709. Did you tell him where you had been?—Yes.

1710. Did you have any money from Mr. Digby?—No.

1711. Did you ever have any money from Mr. Digby?—No.

1712. Is your name George Allen?—Yes.

1713. Did you ever receive any money on account of your services at the election?—I received 1 *l.* on the Thursday night before the election.

1714. From whom?—From Mr. Spurgeon.

1715. Who is Mr. Spurgeon; what Spurgeon was that?—He is a gentleman living in Maldon.

1716. What did you do with that sovereign?—I was to go up to West Ham the next morning.

1717. You mean near London?—Yes.

1718. What for?—To bring a voter down.

1719. What is his name?—James Hanse.

1720. Did you bring him down?—No, the man was dead.

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1721. That is the money you received for going up and looking for the dead man?—He was found dead in the Victoria Docks about a month before.

1722. You came back, did you look after any live voters?—Oh yes.

1723. Tell us where you went to the next day, on your return from West Ham?—That was the election-day.

1724. Where did you go then, did you canvass any voters?—Well, I asked all that I could see, that I thought there was a chance of having.

1725. Did you ask Giles Austin?—No.

1726. Who did you ask?—I asked Thomas Webb for one.

1727. Where did you see Thomas Webb?—In Maldon.

1728. Whereat in Maldon?—In the street.

1729. Did you go into the Wellington on the day of election?—Yes.

1730. What did you go in there for?—I went in there with Webb.

1731. Why did you go to the Wellington with Webb?—Well, I thought it possible I could get him to vote that way.

1732. Which way?—For Mr. Western.

1733. What had going to the Wellington to do with his voting for Mr. Western?—He asked me to walk that way.

1734. When you got to the Wellington with Webb what did you do there?—We had two pints of beer.

1735. Was that in the tap-room or in the parlour?—That was in the tap-room.

1736. Did you talk to Webb about his vote?—Yes.

1737. What did Webb tell you?—He told me he was afraid of losing of his situation, or he would oblige Mr. Western.

1738. How long were you there with Webb?—Not long.

1739. What other voter did you speak to that day about his vote?—I spoke to several.

1740. Give me the name of another?—I spoke to Edward Collis.

1741. Where did you take him to, did you go anywhere with him?—No, not to no public-house, only talked to him in the street.

1742. Did you go to the Wellington any time afterwards, after you had seen Thomas Webb there?—Yes.

1743. How many times were you in and out of the Wellington on the day of the election?—I do not know; I should say three or four times.

1744. What were you doing each of the three or four times you were there?—I was only looking to see whether there was any voters that I thought I could catch hold of.

1745. Did you catch hold of any?—Not from there.

1746. When you went to the Wellington what was going on there?—Well, there was a great many people there.

1747. What were they doing?—Sitting drinking, and so on.

1748. Do you know a man by the name of Giles Austin?—Yes, I do.

1749. Is he a Maldon voter?—Yes.

1750. Where does he live?—He lives in Maldon; in the bounds of Maldon.

1751. You mean in the borough?—Yes.

1752. Did you see him there?—Yes.

1753. What was he doing?—He was drinking.

1754. Do you know John Scudly?—Yes.

1755. Did you see him there?—Yes.

1756. What was he doing?—They were all drinking together.

1757. William Scudly, did you see him?—Yes.

1758. Just tell us the names of the Maldon men you saw there drinking?—I could not do that, I did not take much notice of them; but I know there was the two Scudlys there, and there was Giles Austin and William Smee, they were all in one company.

1759. What room were they in?—In the parlour.

1760. At the same time these men were there whose names you have given, how many people were there in the room?—I cannot tell, it was right full.

1761. Did you see Mr. Digby on the day of election?—Yes.

1762. How many times did you see him?—I cannot tell you.

1763. Did you see him throughout the day?—Yes, I see him.

1764. Did

1764. Did you see him as many as ten or a dozen times in the course of the election day?—I do not think I did.

1765. How many will you say?—I am sure I do not know; I saw him once or twice.

1766. Did you speak to him?—No, I did not.

1767. Where was he when you saw him?—I saw him once in the town, I think; I did not take much notice where I saw him ever to put it down in my mind, I saw him once or twice.

1768. How came you to take such an active part, and to go to the Wellington to see if you could catch any voters; how came you to do that?—Because I was conductor for the election.

1769. Who made you conductor for the election?—I was put on by Mr. Digby.

1770. You told us you gave Thomas Webb some beer; did you give any beer to any other voters that day?—I do not recollect.

1771. Who paid for the beer Webb and you had?—I paid for one, and Webb paid for one.

1772. Did you give any beer to anybody on the day of the election?—I do not recollect that I did.

1773. Try and recollect, will you; do you recollect pouring out a good deal of beer that day?—No.

1774. Did you pour any out?—I did not pour out much, nor I did not drink much myself.

1775. When you asked those voters in the course of the day to give their votes, did you communicate with anybody as to your having seen them, or go to anybody and say anything about it?—I must recollect myself.

1776. Recollect yourself; (*the Witness reflected.*) Now then?—Yes, I went to one gentleman.

1777. Who was he; give us his name?—I went to Henry Hanidance.

1778. Who is Mr. Henry Hanidance?—He is a gentleman of Maldon.

1779. Did Mr. Hanidance take any part in the election?—Well, I believe he did.

1780. Who for?—For Mr. Western.

1781. Did you go anywhere by Mr. Hanidance's order?—No.

1782. Did you speak to Mr. Digby on the day of election about any voters?—No.

1783. Do you recollect a voter by the name of Edward Collis?—Yes, I do.

1784. Did you canvass him?—Yes.

1785. When?—On the election morning, and before.

1786. On the day of the election; where was it that you saw Collis?—In Maldon-street.

1787. What passed between Collis and yourself?—Collis wanted 3*l.* for his vote.

1788. He did not come up to you and say that, did he?—No.

1789. Just tell us what took place?—He asked me before the election if I could get him anything; I told him I would if I could.

1790. On the day of election you saw him; what passed then?—I asked him for his vote, and he wanted 3 *l.* for it.

Mr. *Phinn* objected that this name was not included in the list.

Mr. *Rodwell* stated, that by the 4th and 7th resolutions, it was competent to go into this, as having unexpectedly arisen.

The *Chairman* stated that the Committee could not give an opinion upon it at present.

1791. Mr. *Rodwell.*] Collis asked you for 3 *l.*?—Yes.

1792. You saw him on the day of election, what then passed between Collis and yourself?—I told him I would get it if I could.

1793. What time of the day was that?—I should say, as near as I can guess, about 11 o'clock; it was in the forenoon.

1794. Where did you go with Collis?—I did not go anywhere with him.

1795. Did he go anywhere with you?—No; I pointed him out to Mr. Hanidance, and told him if there was a chance to get any, that he might get it there.

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1796. Do you know what took place between Mr. Hanidance and Collis?—No, I left directly; I do not know whether he spoke to him.

1797. Were you at any other public-houses on the day of election, except the Wellington?—Oh yes; I went into several.

1798. Tell us where you were?—I went into James Massum's, that is the Dolphin.

1799. Did you go to the White Hart?—No.

1800. Did you go to the Victoria?—No.

1801. Did you go to the Queen's Head?—No.

1802. Where were you in Maldon?—I was in the Chequers once or twice.

1803. Who keeps the Chequers?—Mr. Dawson.

1804. What did you go to the Chequers for?—I was looking round after votes, to see if there was any voters I could catch hold of.

1805. Did you find any?—Well, I found Collis there; I saw Collis there.

1806. Who else did you see there?—I saw a good many, but there was not any one that suited me, and so I came out; there was no one I thought I could get to vote, and so I left it.

1807. There was no one you thought you could get to vote?—No.

1808. What was going on at the Chequers when you were there?—A great many were drinking.

1809. How long were you there?—Not long.

1810. You say you found only Collis there?—I found more than that I spoke to in there.

1811. Is he the only one you spoke to?—I do not recollect any other.

1812. Did you go to the Carpenter's Arms?—No.

1813. What other public-house besides the Chequers and the Duke of Wellington did you visit in the course of the day?—I was in the King's Head.

1814. What did you go there for; to look for voters?—No; I went in there to have a pint of porter; that was the afternoon.

1815. By whose directions or orders did you go to these places to look for voters?—I was not ordered to go to these places to look after voters; I was ordered to be conductor; but I went there on my own accord.

1816. Did any one say to you you were to be conductor, or what were the words used?—Mr. Digby put me on as conductor.

1817. I have asked you once or twice to tell us what Mr. Digby told you; I wish you could tell me all. You have not said Mr. Digby put you on as conductor. Did he use those words to you?—Yes.

1818. What did he say at the interview you had with Mr. Digby?—He said I could be conductor that day.

1819. Did he tell you what you were particularly to do; or did he say anything to you by which you understood what you were to do?—The first thing I was to do was to go and fetch two voters.

1820. Did Mr. Digby mention their names?—I was sent down to Farnbridge Ferry.

1821. By Mr. Digby?—No; I came from the committee-room.

1822. From the committee-room; how came you to go to the committee-room?—I went up on the Friday night to tell them that Hause was dead, and then I got my orders.

1823. Who gave you those orders?—I had orders from Mr. Gill.

1824. When you went into the committee-room to state that Hanse was dead, who was there?—I did not go in, I sent word up.

1825. Did any one come down to speak to you?—I forget who it was; there was some one came down to speak to me.

1826. When did Gill give you any orders?—On the Friday night about nine o'clock.

1827. Where?—At the lower part of the committee-room.

1828. Did you see any other gentleman there except Gill?—No.

1829. That you told Mr. Digby that Hanse was dead?—I sent word up to him.

1830. What order was it you received from Gill?—That I was to go and fetch up a man by the name of Brignell, from Farnborough, and a ferryman by the name of Jordan.

1831. Did you go?—Yes.

1832. What time did you start?—I cannot exactly say what time; it was early; I went by a four-wheeler.

1833. Where

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1833. Where did the four-wheeler come from?—It came from Mr. Blanchflower's.

1834. Who paid for it?—I do not know.

1835. Who is Mr. Blanchflower?—He is a man that had a lot of horses; I believe he was conductor over them or something; I do not think they belonged to him.

1836. Conductor of what?—Of those conveyances.

1837. Conductor of conveyances; for what?—For the voters.

1838. Did you go to Mr. Blanchflower's for this four-wheeler?—Yes.

1839. Early on the election morning?—Yes.

1840. And you had it?—Yes.

1841. Did you go by yourself?—No.

1842. Who went with you?—Another man that I believe the four-wheeler belonged to.

1843. Did you get the voter?—No.

1844. Did you come back to Maldon on the day of election?—Yes.

1845. Who did you see there, to say you had not got the voters?—I went to the committee-room to say it was no use sending me after them, that I knew they would not come.

1846. They would not come?—They would not.

1847. When you had done that, and you came back from that job, what was your next?—Then I went on conducting.

1848. What did you conduct? Where did you go?—I did not go anywhere out of Maldon.

1849. What did you do in Maldon?—I only looked about to see if I could find any voters.

1850. After you had looked about for a voter, did you come back to any one and tell them what you had seen, or what you had done?—No.

1851. You told me just now you had received no money from Mr. Digby?—No more I did not.

1852. Have you been paid by Mr. Digby?—Well, I have been paid.

1853. You have been paid, although you have received no money?—Yes.

1854. I believe you went through the Insolvent Court not long ago, did not you?—Yes.

1855. Did Mr. Digby take you through?—Yes.

1856. You owed him something for that?—Yes.

1857. Have you paid him?—The money what I had was set off of it; the money I was to have was set off.

1858. How much was set off; how much was your debt to Mr. Digby?—£. 10.

1859. When you came to settle with Mr. Digby, how much did you pay him of the 10 *l.*?—Do you mean of my expenses for the election?

1860. Yes?—£. 4.

1861. Then how much do you reckon on you received, although you have not been paid the money that you have received for your services at the election?—£. 4.

1862. Did you pay anything for carriage hire?—No.

1863. How many days were you employed?—I was employed from the 18th till the election morning, the election day.

1864. And you received a pound in addition for your journey to West Ham?—Yes.

1865. By the *Committee.*] What day was the election?—The 28th, I think.

1866. Mr. *Rodwell.*] Did you send any bill to Mr. Digby?—Yes.

1867. Was your bill headed ——

Mr. *Phinn* objected, the accounts must be put in.

Mr. *Rodwell* stated he would call the election auditor.

George Edward Digby was called in; and, having been sworn, was Examined by Mr. *Rodwell,* as follows:

G. E. Digby.

1868. YOU are the election auditor?—I am.

1869. Will you produce the accounts of the last Maldon election?—I will.

1870. Mr. Western's accounts?—Those are Mr. Western's accounts, (*handing him the same*); you will find the numbers entered in the copy, I believe, and you will find the bill numbered with a corresponding number.

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1871. Mr. *Rodwell* (*to Allen.*)] Is that your bill, (*handing the same to the Witness*)?—Yes.

1872. Is that the bill that you sent in?—Yes, that is my handwriting.

1873. The receipt or the bill?—The receipt.

1874. That is eight days taking journies in the different country districts?—Ten altogether.

1875. Did you go into the country districts?—Yes, I went in about four or five.

1876. Did you go to Wiggins's beershop at Runsall?—I was there once or twice; twice I was.

1877. Do you know a man by the name of James Farrow?—I do.

1878. Is he a voter?—He is.

1879. Did you canvass him?—Yes.

1880. Where?—In the town of Maldon.

1881. What day was that?—The election day.

1882. Where did you see him?—I saw him in the street.

1883. What passed between you and Farrow, did you ask him to vote?—Yes.

1884. What did he say?—He said he would vote if he got his expenses, got his conveyance.

1885. Where did he live?—He lived at Allthorne.

1886. How far is that from Maldon?—Several miles.

1887. He was at Maldon then, was he?—Yes.

1888. How much did he ask for his expenses?—Fifteen shillings.

1889. What did you say to him?—I told him I thought I could get it for him.

1890. Did you go anywhere to ascertain if you could?—Yes.

1891. Where did you go?—I walked down the street and inquired.

1892. Of whom?—Well, that I cannot recollect, but I inquired of some of the gentlemen.

1893. Do not you know the name of any gentleman?—I quite forget who it was.

1894. Did you see Farrow again?—He was with me.

1895. What passed about these 15 *s.*?—He said he should not vote without he had got it.

1896. Do you know whether he did vote?—He voted.

1897. Do you know who for?—He voted against Mr. Western.

1898. Will you tell me, when he asked you about the 15 *s.*, whether he said anything about other people being paid the expense of conveyances?—I never asked him, and he never told me.

1899. Were you employed the day you came back from Farnbridge; were you employed the whole of that day, till the poll was closed, about this election?—Yes.

1900. I asked you just now, but you did not seem quite to remember, whether you had been to the Wellington more than once on the election day?—Yes, I had been there three or four times.

1901. Did you see a voter by the name of Charles Fitch?—Yes, I did.

1902. Did you canvass him?—That I cannot recollect.

1903. Do you recollect seeing him after the election?—Yes.

1904. Perhaps you will refresh your memory as to whether you canvassed him before or not. Do you remember a conversation with Fitch before the election?—I do not remember; he is the man, a friend of mine, and I am often a talking with him.

1905. Do you recollect any particular conversation you had with him about his vote and about the election?—No, I do not.

1906. Do you know whether he voted?—I do not know whether I see him on the election day at all; I do not recollect.

1907. At the time you asked him for his vote, I want to know whether Mr. Digby's name was mentioned; did you mention it to him, or tell him of any order from Mr. Digby, or that you were the conductor of the election, or anything of that sort?—I do not recollect it.

1908. Did you tell Mr. Digby at any time you had seen Mr. Fitch?—I do not recollect it.

1909. Just try and remember now?—I do not.

1910. Charles Fitch is the man?—I know Charles Fitch, but I do not recollect it. I might, but I do not recollect it.

1911. Do you recollect telling him that he ought to have been upon your side?—I do recollect them words.

1912. Perhaps you recollect the rest of it?—No; I do not. I recollect those words when you speak of them, but I cannot recollect what it was upon. I recollect those words; I mentioned them words.

1913. Having recollected those words, cannot you recollect the rest of it?—No; I cannot. I forget what passed between us.

Cross-examined by Mr. *Phinn*.

1914. You tell us you were first employed by Mr. Digby, some days before the election, to go and watch whether the other side were treating?—Yes.

1915. Did he tell you not to give any one anything?—He did.

1916. Did he tell you to watch the other side, but to mind and not to give anybody anything yourself?—Yes.

1917. What were you to have a day; did he settle then with you what you were to have a day?—Yes.

1918. How much?—Seven shillings and sixpence a day.

1919. You had a horse and cart, had you not?—I have now; but I had not then.

1920. Did you go on foot?—Yes, I did, everywhere where I went round Maldon.

1921. Do you know a Mr. Cood?—Yes, I do.

1922. What is his Christian name?—George.

1923. Was it part of your instructions to watch Mr. Cood?—I was to watch the whole party.

1924. Have you seen Mr. Cood since the election?—Yes, I see him now; I have seen him several times.

1925. Did you give your evidence to him?—No.

1926. What you had to say?—No.

1927. Who did you give it to?—Nobody.

1928. Nobody?—Only now.

1929. You have not been to anybody to say what you could say before you came here?—No.

1930. Will you swear that?—I have sworn it.

1931. You say, I think, that you went to Wiggins'; how much did you spend at Wiggins' beer house?—I cannot say.

1932. Sixpence?—More than that.

1933. How much, a shilling?—I cannot tell; it might be a shilling.

1934. Was it out of your own pocket?—Yes.

1935. I believe Webb paid for some of the beer on that occasion, and you paid for some?—Webb paid for some.

1936. And you paid for some?—Yes.

1937. How much did you have altogether?—That I cannot tell you.

1938. Were there any voters at Wiggins' on that day, except Webb and Collis?—I do not recollect any that day; I did see other voters too, but not that day.

1939. Is Webb an old friend of yours?—Yes.

1940. Is Collis?—Yes, I have known them for years.

1941. You say you were made conductor the night before the election, is that a term well known at Maldon?—Yes, it is.

1942. What is the duty of a conductor?—To conduct voters up to the poll.

1943. Were you aware at the time that the other side had some prizefighters down?—I was aware of it.

1944. And were the conductors to protect your voters up to the poll?—Yes.

1945. You had no instructions to canvass voters, had you merely to bring them up to the poll?—I had no instructions to canvass voters, but I always did when I was employed.

1946. I thought you were told to watch the treating and nothing else, was not that so?—I was sent out to watch.

1947. And you did what you were not told to do then, is that so?—I was not told to treat.

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1948. And you were told not to, were not you?—Yes.

1949. When did you first mention to anybody what you have told us about Collis; when did you first mention that to any one you have told us, that Collis asked you to try to get him 3 *l.*?—That was the election day.

1950. When did you mention it to anybody first?—I mentioned it directly.

1951. Who to?—Mr. Henry Hanidance; I went up to him and told him.

1952. Did not Mr. Hanidance tell you he would have nothing to do with it?—No, he never told me any such a thing.

1953. What did he say?—I do not know what he said now, but I left the man close to him.

1954. By the *Committee.*] Did you receive any instructions from Mr. Hanidance at all?—I did.

1955. What were his orders to you?—He told me not to stand for any expense.

1956. Mr. *Phinn.*] What did you understand by that?—I thought he meant to go right into bribery with it, by the words he said, that was the reason I took Collis to him.

1957. They knew all over Maldon you had been insolvent, did not they?—Yes.

1958. How much did you pay in the pound?—Nothing at all.

1959. How much were your debts?—I do not know, not much, a very few pounds.

1960. You do not know?—No.

Re-examined by Mr. *Rodwell.*

1961. Mr. Digby helped you through?—Yes.

1962. Let us hear a little more about this; Mr. Hanidance told you not to stand for any expense; when was that?—The election morning.

1963. How came you to go to Mr. Hanidance?—I see him in the street; he came up to me, and told me those words.

1964. Had anything been said before he used those words?—No; I had not spoken to him before that morning.

1965. My learned friend asked you whether "Conductor" is a term well known in Maldon?—Yes.

1966. Had you ever acted as conductor before?—Yes.

1967. What had you done on former occasions as conductor; did you canvass voters then?—Oh yes.

1968. By "Conductor," was a person meant who did canvass voters?—I do not know whether they was meant for them; I always did do it.

1969. Had you been conductor for Mr. Digby before?—Yes.

1970. And had you on those occasions canvassed voters?—Yes.

1971. How many times have you been conductor for Mr. Digby?—I do not know how many elections I have been; I am sure I cannot tell, but I was conductor in 1852, and I was conductor in 1847.

1972. For the two last general elections?—Yes.

1973. Had you then been in the habit of canvassing voters, as well as taking voters up to the poll?—Yes.

1974. Was Mr. Digby the gentleman who employed you on those occasions?—No; I was employed on one election by Mr. Henry May.

1975. Who else had employed you?—Mr. Digby.

1976. My learned friend has talked about prizefighters; were you employed at all as against prizefighters?—I was employed by Mr. Western, and the prizefighters were employed against Mr. Western.

1977. Did Mr. Digby say anything to you about prizefighters when he hired you?—No; he did not know they were coming, I should say.

1978. When you were engaged as conductor, you had nothing to do with the prizefighters, for or against them?—No, I had nothing to do with them.

1979. By the *Committee.*] You seem to have acted upon the orders of this Mr. Hanidance; will you tell the Committee who he is, and what he is?—He is an independent gentleman, I believe.

1980. Where does he live?—Maldon.

1981. Is he of any profession?—Not now.

1982. What has he been?—Been a corn merchant.

1983. Was

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1983. Was he an agent in any way to this election?—Not that I know of.

1984. Did he belong to the committee of either party?—I do not know.

1985. Did you ever see him in any committee-room?—I do not know that I ever did.

1986. Did you ever see a list of the committee published in Maldon?—No; I am no particular scholar.

1987. You cannot read?—I can read, but very little.

1988. You never saw his name in any handbill, as on the committee?—Not to the best of my recollection.

1989. Had you any directions from any one to take your orders from him?—No.

1990. Then, why did you refer to him?—I did not refer to him, he came up to me.

1991. Did he give you any instructions?—As he passed me, he says, "Do not stand, we are a winning of it; do not stand for any expense."

1992. Was that on the day of election?—Yes.

1993. Did you spend any money, or order any expenses in consequence of that direction?—No.

1994. But in consequence of that, you took this man, Collis, up to him?—I did not take him quite up to him; I pointed him out to him.

1995. And you left them together?—I left him to go to him.

1996. And you kept at a prudent distance, did you?—I went on about my business then.

1997. Mr. *Phinn* (through the *Committee.*] What is Collis's Christian name?—Edward Collis.

[The Witness withdrew.

Jacob Andrews was called in; and having been sworn, was Examined by Mr. *Rodwell*, as follows:

Jacob Andrews.

1998. ARE you a voter?—No.

1999. Do you live at Maldon?—Yes.

2000. Were you employed by Mr. Digby for the last Maldon election?—Yes.

2001. What as?—To go into the country, and see whether there was treating amongst different people.

2002. Did you go into the country?—Yes.

2003. Did you go to Tollesbury?—Twice.

2004. Did you see whether there was any treating going on there?—I did not? I never see none, neither on one side nor yet the other.

2005. As you did not see any, did you do a little yourself?—No; I am very poor; I had nothing to do it with.

2006. Do you know the Queen's Head, at Tollesbury?—I do.

2007. Do you recollect going there?—Yes.

2008. Twice, I think?—Twice.

2009. Did you happen to see a voter there, by the name of Samuel Payne?—Yes, that is the ostler.

2010. Do you know whether he is a voter as well?—No, I did not know whether he was a voter.

2011. When you went to Tollesbury, and those places, did you ask about votes or voters?—Never asked about none at all.

2012. Then you merely went to look about?—I went to look about.

2013. You say you went to the Queen's Head twice?—Yes.

2014. I suppose they did not know what you went for?—I do not think they did.

2015. Did you sit down in the public-house yourself when you got there?—Yes, and had a pint myself.

2016. Did you, on any occasion give Samuel Payne some beer?—Not that I know of; very likely he might drink with me; very likely I might ask him.

2017. Do you know a man of the name of William Howe a voter?—Yes, he is a collar maker, I think; I think I do know the man.

2018. Did you happen to ask him to drink with you?—Well, yes, I dare say I did.

2019. Howe did not pay for what he drank?—Not knowing he was a voter.

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2020. You went to the public house, to the Queen's Head, and called for your beer?—Yes.

2021. Howe came in, did not he?—Howe was in.

2022. Did you give Howe, whether he was a voter or not, did you give Howe some beer?—By knowing the man I asked him to drink.

2023. Did he pay for what he drank?—Whether he did or not, I do not know.

2024. Did you pay for what Howe drank?—I paid for what I ordered.

2025. Did Howe drink some of what you ordered?—I asked him to drink.

2026. Did you pay for the beer that Howe drank?—I paid for the beer I called for, and then I asked him to drink.

2027. Did you do the same with Samuel Payne?—Not that I am aware of.

2028. Do you know a man by the name of Charles Baxter, a confectioner?—Yes.

2029. Did he come into the Queen's Head when you were there?—Yes, he did, with Mr. May.

2030. Did you see Mr. Western that day?—No, I did not.

2031. It was Henry May and Charles Baxter came in together, was it?—I do not know whether it was Henry May; I know it was one of the Mays.

2032. When they came in, were you sitting at the table with Howe and Payne?—Well, I do not recollect whether Howe came in to sit with me or not; I mostly forget whether he did.

2033. Was anything said by Mr. Baxter about what you were doing?—No, I do not think Mr. Baxter knowed what I was upon.

2034. Did Mr. Baxter make some remark to you?—Only told me to look out.

2035. Did he not say something more with reference to what you were doing?—No.

2036. What were the exact words he used to you, Mr. Baxter?—"Holloa," he says, "you are here, and you must look out."

Mr. *Bushby* objected, the Committee sustained the objection.

2037. Did you afterwards receive 3 *l.* 15 *s.* from Mr. Digby for your services?—Yes, after the election.

2038. For your services?—Yes.

2039. Was this upon the second occasion of your being at Tollesbury, or the first that you saw Howe and Payne?—I saw them both times, I believe.

2040. Upon both occasions did it so happen that they had something to drink which you paid for?—I do not know whether they was both with me or not.

2041. Had you known Howe long?—No; I had not known him long.

2042. Did you know he was a voter?—I did not.

2043. Did you know many of the voters?—I did not know none.

2044. How was it, if you were sent to see what voters were treated, that you could have been of any service to Mr. Digby, if you did not know the voters?—If there had been anybody drinking I should have asked if they were voters.

2045. If you had seen anybody at the Queen's Head doing what you were doing, you would have asked if they were voters?—I should have asked.

2046. If you had seen anybody doing what you were doing you would have asked if they were voters?—I should have asked if they were voters.

2047. You did not think of asking Samuel Payne and William Howe, before you gave them the beer, whether they were voters?—I was not aware.

2048. If you had, should you have asked or not?—As to the ostler I should not, because it is a regular thing to ask the ostlers to drink; it is a regular thing where you put up your horse.

2049. Was anything said about the election when you were drinking your beer; was not there something said about how the election was going on?—They asked me, they said there was something up, and I did not tell them my business.

2050. You did not tell your business, what did you say to them?—I said I was down after some Welsh oysters.

2051. You put them off, and they did not ask any more?—They did not.

2052. Do you recollect going to Braintree?—No, I often go to Braintree, because I travel.

2053. Did you go to Braintree about the election?—No, I was not employed to go.

2054. Where

2054. Where else did you go to besides Tollesbury?—I went to Witham.

2055. Did you see any voters there?—No.

2056. Where were you on the day of the election, at Maldon?—I was in Maldon.

2057. What were you doing during the whole of the day?—Walking about.

2058. What were you doing?—Nothing.

2059. Mr. Digby did not pay you for doing nothing, did he?—I was walking about to hear whether I could hear or see anything.

2060. There was a good deal to be seen and heard, was not there, that day?—No, I could not see any treating.

2061. Did you drop into any of the public-houses?—I only walked in and out.

2062. What did you go in and out for?—To see if I could see anybody drinking.

2063. Did you go to the Wellington?—I did.

2064. Did you see anybody drinking there?—I went in and had some beer myself.

2065. That is not an answer to my question; did you see anybody drinking at the Wellington?—Yes.

2066. A good many?—There was not many; I did not see them.

2067. Did you go into any room?—Only into the tap-room.

2068. You did not go into the room on the right hand side?—No.

2069. Did you see many people in the Wellington?—There was very few in the room when I went.

2070. It was quite quiet, was it?—There was very few.

2071. I do not know whether you mean there were very few people in the Wellington at the time, or very few drinking?—There was very few people in the tap-room.

2072. What time was it?—I believe I went in twice during the day.

2073. Did you have something to drink both times?—Yes.

2074. Did you pay for what you had?—I had nobody to give me anything but what I paid for.

2075. You paid for what you had?—I did.

2076. To the landlord or the waiter?—To the landlord or the waiter.

2077. Did you drink by yourself?—I went in with Allen twice.

2078. Did you go in upon the same business as he went in?—We both went in upon the one business, I suppose.

2079. What was that?—To look to see if there was any treating.

2080. Do you mean that you went in to the Wellington to see if there was any treating?—Yes.

2081. Did you know whether it was a blue house or a yellow house?—I did not.

2082. Do you mean to say that you did not know at the election whether the Wellington was a blue house or a yellow house?—The day of the election I did, but not before.

2083. When you went in there to look to see if there was any treating going on, were they Mr. Western's friends who were there on the other side?—I cannot tell whose friends they were.

2084. Did you not see men there whom you knew to be voters, eating and drinking there?—I never saw a man who was a voter that I knew there.

2085. Not at the Wellington?—There was some gray-headed old gentleman that I see here this morning was at the Wellington.

2086. Do you mean that you did not see any men whom you know to be voters at the Wellington?—Not to be drinking; only one old gentleman.

2087. You did not go into any room, but you kept yourself in the taproom?—Not to sit down.

2088. Did you go into the room standing up?—Only just looking in, but I did not go in to sit down.

2089. Do you mean to state that there was not eating and drinking going on?—I never saw any.

2090. You swear that?—Yes.

2091. You swear that on the day of the election there was no eating and drinking going on in the Wellington?—I can swear I never saw any.

2092. You looked in for the purpose?—No.

 2093. I thought

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2093. I thought you said you went there to see if there was any treating?—Any drinking.

2094. Do you mean distinctly to swear, that upon the two occasions you went into the Wellington, you saw no drinking in either of those rooms?—Not in either of them.

2095. In neither of them?—In neither of them.

2096. Tell me what time it was when you first went in?—I cannot.

2097. About what time?—The forenoon and the afternoon too.

2098. Were there people in the room or was the room empty?—There was a few.

2099. What should you say, three or four?—I only just looked; I did not take any particular notice.

2100. But you went for the purpose of seeing whether treating was going on there; was not there as many as 20 people sitting with glasses and mugs there on the table; sitting smoking, and drinking, and eating?—As many as 20?

2101. Then 10, if you please?—I should think there was not so many.

2102. Were there not people in there eating and drinking, and smoking?—I never saw any eating at all.

2103. Did you see any one drinking?—I never took any notice.

2104. Did you see any smoking?—I did not take any particular notice.

2104*. Do you mean to tell me that upon neither occasion when you went into the Wellington you saw eating, drinking, and smoking?—I did not see anybody eating without it was myself.

2105. Did you see any people in the passage leading between the tap-room and the parlour?—No, I only saw some to and fro.

2106. I am talking of the day of the election?—Yes.

2107. You told me what took place at Tollesbury about Howe and this other man Payne; did you see Payne on the day of the election at Maldon?—I did.

2108. Did you find out that he was a voter?—Well, I supposed that he was by seeing of him having a little bit of ribbon of some kind; I did not notice whether it was blue or yellow.

2109. Do you mean that he had a ribbon; that Payne had a bit of ribbon on the day of the election?—I fancied I saw a piece of ribbon.

2110. Did you see a single man upon the day of the election with a single colour, blue or yellow?—I fancied I saw Payne.

2111. What colour?—I cannot say, blue or yellow.

2112. Did you say anything to Payne about his vote?—Not that I am aware of.

2113. Try and recollect yourself?—I cannot recollect, because I do not think I did.

2114. I must trouble you to recollect?—I cannot.

2115. Where did you see him in Maldon?—On the path.

2116. You went up and spoke to him?—No, I do not think I did.

2117. Will you say you did not?—I do not think I did speak to him.

2118. On the day of the election, I mean?—On the day of the election.

2119. Did you see him at the Wellington?—No, I did not.

2120. You went to Little Totham, did you not? Did you happen to fall in with any Welsh oysters at Little Totham?—No.

2121. Did you ever see any treating at all going on anywhere?—No.

2122. What other public-houses besides the Wellington did you go into on the day of the election?—I went into the Chequers.

2123. Was there any eating and drinking going on there?—There was people in there drinking.

2124. Was there any man whom you knew to be a voter?—No.

2125. It does not appear that you know much about the voters?—Well, I do not; I have been away from home for the last 16 or 17 years, and I do not know anybody, almost, hardly.

2126. Did you canvass any voter?—No.

2127. Not at all?—No.

2128. Did you merely travel about the country looking at the public-houses to see if people were drinking?—Yes, and I was on other business besides.

2129. What is the other business?—I am a rabbit buyer in the winter time.

2130. And you bought rabbits, and looked into public-houses?—Yes, and if

if I had heard or seen anything I should have come and told the man who employed me.

2131. What do you usually earn a day; you had 7 *s.* 6 *d.* a day; was that your arrangement with Mr. Digby?—That was the arrangement that Mr. Allen told Mr. Digby.

2132. Who employed you, Allen or Mr. Digby?—Allen took me up, of course I went to Mr. Digby; I expected Mr. Digby employed me.

2133. You were introduced to Mr. Digby by Allen?—Allen introduced me.

2134. Are you still sure that there was no drinking at the Wellington?—I never saw none, neither on one side or the other.

Cross-examined by Mr. *Bushby.*

2135. You have described your duties; you had to go and watch, and find out whether there was any treating going on, you say?—Yes.

2136. You have been asked a good deal about Mr. Howe, that you met at Tollesbury; my learned friend asked whether he was a voter; did you not say he was not a voter?—I did not know whether he was a voter or not.

2137. With reference to the beer you drank with those two men, I suppose you found that having to find out whether treating was going on you found that drinking a glass of beer with a man, whether he was a voter or not, led you to that knowledge, opened his heart?—Yes; I know it is a frequent thing to ask them if they will drink.

2138. I suppose that leads to your getting the sort of information you want?—No; I never mentioned nothing to the people, neither one nor the other, what I was upon.

2139. You were cautioned, if I understand you, not to treat, and you took particular care not to treat?—Yes, I took good care of that.

2140. You received 3 *l.* 15 *s.* for your services; how many days were you at work?—Ten days I was out.

2141. By the *Committee.*] Did you make a charge, or did you agree for that money?—Allen told Mr. Digby, he says, "I have told Andrews what I am going to have per day;" and Allen told me it was 7 *s.* 6 *d.* a day; and then I sent my bill in, at least, took it in.

2142. Were there any other charges which you made, beyond the 7 *s.* 6 *d.* a day?—No other charges.

2143. No horse hire?—No horse hire; I drove my own horse, and I walked when I liked.

2144. No eating?—No eating and drinking.

2145. Mr. *Bushby.*] At the conclusion, I believe, on the election day, you were employed as conductor, were you not?—I was not told, but I still kept on; I thought I would keep on till the election was over.

2146. Have you a vote yourself?—I have no vote.

Re-examined by Mr. *Rodwell.*

2147. You said you were kept on to watch; did you not state to a man of the name of Charles Fitch, that you were employed by Mr. Digby on the day of the election to go and talk to the voters, and give them a pint of beer?—No.

2148. Did you say that?—I was not going to part with my money, the two or three halfpence I had.

2149. My learned friend has asked you whether, upon the day of the election, you were employed as a conductor; I ask whether you did not state to Charles Fitch, at Maldon, that you had money from Mr. Digby to go round in the afternoon of the election and talk to the voters, and give them a pint or two of beer?—I never said the words.

[The Witness withdrew.

Charles Fitch was called in; and, having been sworn, was Examined by Mr. *Rodwell* as follows:

2150. DO you know the last witness, Andrews?—Yes.

2151. Did you see him at Maldon on the 8th of May?—I believe I did; I cannot exactly answer to the 8th of May; I think I saw him on the 8th of May; I saw him at Maldon.

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2152. Did you have some conversation with him about the Maldon election?—I had.

2153. Was Mr. Digby's name mentioned, and if so, what did he say with reference to Mr. Digby?—He told me he had 3 *l.* 15 *s.* for his services.

2154. Did you, on the day of the election, see at Maldon the last witness, Jacob Andrews?—I did, and spoke to him.

2155. Did he make a statement to you with reference to his employment at the Maldon election?—The night before; he did not that day.

[The Witness withdrew.

Samuel Payne was called in; and, having been sworn, was Examined by Mr. *Spofforth* as follows:

Samuel Payne.

2156. YOU are a freeman of Maldon, I think?—Yes.

2157. Do you remember Mr. Andrews coming to Tollesbury?—Yes.

2158. About a fortnight before the election?—Yes.

2159. Where was he when you first saw him?—It was in my mother's yard at Tollesbury; the King's Head yard.

2160. You are the son of Mrs. Payne, who keeps the King's Head?—Yes.

2161. Did you see Jacob Andrews in the tap-room of the King's Head?—Yes.

2162. What did he say; did he ask you to drink?—Yes.

2163. By the *Committee.*] You went into the tap-room with him?—Yes.

2164. What did he do there?—He asked me to drink.

2165. And you did so?—Yes.

2166. Mr. *Spofforth.*] Was Andrews quite a stranger to you?—Yes.

2167. Did he tell you that he was going to stay at several places?—Yes, and he should be very late home.

2168. Do you know why he asked you to drink?—No, I cannot say that.

2169. Is it customary for strangers who come there to ask you to drink?—No.

2170. Did you ever see Andrews there before?—No.

2171. Did you hear him ask any one else to drink?—Yes; he asked William Howe to drink.

2172. Whilst you were there, did you see Charles Baxter come to the place?—Charles Baxter was there at the time.

2173. What did he say to Andrews?—Just as they were going away, he stood against our gate; he asked him, "You didn't ought to be here; you ought to be up at the other house."

2174. What did he mean by the other house?—He meant up at Mr. Bowles', the "Brewery" beershop.

Cross-examined by Mr. *Charnock.*

2175. Which way did you vote?—Peacocke and Western.

2176. You are the ostler at your mother's house, the King's Head?—Yes; I live at the King's Head along with my mother.

2177. How much beer did you get of Andrews?—I got no great deal.

2178. Was it a sip out of a pint?—He asked me to drink out of three pints.

2179. How much did you get?—I do not know.

2180. Will you swear, that out of the three pints you got as much as a pint?—No; three quarters of a pint.

2181. Very thin beer, or is your mother's very good?—It is passable, I believe.

2182. Are you not very frequently asked to drink by people who come there?—No.

2183. Not so often as you like?—No, not so very often.

2184. Two or three times a day?—Not so very often.

2185. You are often asked?—Sometimes.

2186. And you never refuse when you are asked?—Sometimes.

2187. Do you mean to say that you ever refused, when you were asked to have some beer?—Sometimes I do.

2188. Then you must be drunk?—No.

2189. Is

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2189. Is William Howe a voter?—No.

2190. By the *Committee.*] Was anything said to you about the election at that time by Andrews?—He only told me he was come down about after Welsh oysters. I thought it was a curious meaning. I did not know what he meant.

2191. What did he mean?—I do not know. I thought it was a very curious answer.

2192. It is a Maldon phrase which is not understood at Tollesbury?—There are oysters at Tollesbury.

2193. But they are not Welsh ones, I suppose?—No; they are the best natives there.

2194. Was anything said with reference to your vote?—No.

[The Witness withdrew.

William Howe was called in; and, having been sworn, was Examined by Mr. *Spofforth*, as follows.

William Howe.

2195. DO you recollect a man named Andrews coming to Tollesbury a week before the election?—Yes.

2196. Where did you see him?—I saw him at the King's Head, at Tollesbury.

2197. Did you know him before?—Yes.

2198. What did he say to you?—He did not say much to me; he took his horse out, and we went into the public house, and had two or three pints of beer together.

2199. Is it customary for strangers coming there to ask people to drink?—I do not know. I took the horse out, and I went in and had some beer along with him.

2200. What did he tell you he was there for?—He said he was after some Welsh oysters, or something of that. I thought he was after some freemen.

2201. Did you say to him that you thought there was something up from him being there?—I said, "I think there is something up to-night."

2202. Do you recollect a man of the name of Baxter coming in whilst Andrews was there?—I do.

2203. What did Baxter say?—I do not know what there was passed between them; they had some words together in the passage.

Cross-examined by Mr. *Charnock.*

2204. You helped to take the horse out did you;—Yes.

2205. And then he asked you to have a drink of beer?—Yes.

2206. I believe you are not a voter?—No.

[The Witness withdrew.

Elizabeth Payne was called in; and, having been sworn, was Examined by Mr. *Spofforth*, as follows.

Elizabeth Payne.

2207. YOU are the daughter of Mrs. Payne, who keeps the public house at Tollesbury, are you not?—Yes.

2208. Do you remember Mr. Western canvassing at Tollesbury, some time before the election?—Perfectly well.

2209. About what time was that?—On the 14th of March.

2210. Who accompanied him on that canvass?—The Mr. Mays, Mr. Quihampton, Mr. Baxter, and Mr. French.

2211. Were both the Mays there?—Yes.

2212. Is Charles Baxter a Maldon man or a Tollesbury man?—A Maldon man. Mr. Pigott was also there.

2213. On the 14th of March when Mr. Western was canvassing Tollesbury, do you recollect James Bowles and Adam Elisha Chatterson coming to your mother's house?—Yes.

2214. On the day that Mr. Baxter was canvassing with Mr. Western?—Yes.

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2215. What did they say to you?—When I took the brandy and water in, Mr. Bowles said, "You must request payment of Mr. Baxter, and I immediately went to him, and he paid me the money."

2216. By the *Committee.*] Who ordered the brandy and water?—The freemen themselves ordered the brandy and water, and then told me to go to Mr. Baxter for the money.

2217. How many freemen?—Two.

2218. Were the two freemen there?—They were in the room there with them at the time Mr. Western was there himself; but the brandy and water was not there while Mr. Western was there.

2219. You took in brandy and water for two?—For two; four glasses of brandy and water.

2220. Mr. *Spofforth.*] Mr. Charles Baxter paid for it?—Mr. Charles Baxter paid for it immediately I requested the money.

2221. By the *Committee.*] Who told you to apply to Mr. Baxter?—Mr. Bowles.

2222. One of the freemen?—One of the freemen.

Cross-examined by Mr. *Phinn.*

2223. How much were you paid?—Two shillings. I was paid 3 *s.* 6 *d.*, but two glasses Mr. Baxter drank himself; he did not drink with them; he drank by himself; but those four glasses were had by those two freemen.

2224. Are you blue or yellow?—I have no vote.

2225. Which way are you?—Nor yet interest.

[The Witness withdrew.

Thomas Lewis was called in, and having been sworn; was Examined by Mr. *James*, as follows:

Thomas Lewis.

2226. WERE you a voter at the last election?—Yes.

2227. A freeman?—Yes.

2228. Do you reside at Tollesbury?—Yes.

2229. Had you any beer given to you at Tollesbury?—No.

2230. What?—No.

2231. Not at the election?—I had only a pint of beer which the Captain gave.

2232. Who gave it?—Captain Easter.

2233. When was that?—I do not know whether it was before the election or after.

2234. Who is Captain Easter?—He is a gentleman who lives at Tollesbury.

2235. When did he give you that beer?—I do not know when I had the beer, whether it was before or after.

2236. Was it on the polling day?—No.

2237. Who took you to poll?—A carriage came from somewhere; I do not know where it came from.

2238. Who went with you?—I do not know who was inside. I rode along with the coachman.

2249. Who took you to the poll?—No one went along with me; I went with myself when I went and polled.

2240. Where did you go after you had voted?—After I went I walked about the town.

2241. Did you go to the Wellington?—I am not aware that I went to it; no.

2242. Will you swear you did not?—I swear I didnot.

2243. Did you go to any public-house?—I came down to the White Hart over the bridge.

2244. Are you quite sure that you did not go to the Wellington?—I am sure I never went to the Wellington to have anything to drink that day.

2245. Did you go into the Wellington after you had polled?—No.

2246. How many voters came up with you in the carriage?—I do not know how many there was inside. I rode outside.

2247. How many would it hold?—Not above four or five, I should think.

2248. Are you quite certain that you never went to the Wellington?—I did not.

2249. Do you know what became of your men that you came up with?—I do not

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not know. I rode along with the coachman. I do not know what became of the other men.

2250. By the *Committee.*] You have stated that you went to the White Hart, did you receive any victuals or drink there?—No, nothing, only what I paid for; I went in, and had half-a-pint of purl.

2251. You paid for it yourself?—I paid for it myself, and walked about the town.

[The Witness withdrew.

William Lansdell was called in; and, having been sworn, was Examined as follows;

William Lansdell.

2252. Mr. *Phinn.*] HAVE you been in the room yesterday?—I, by accident, came in only for one second of time.

2253. Mr. *James.*] How long were you in?—I might have been in five minutes.

2254. Mr. *Phinn.*] Did you hear any evidence?—No one thing.

2255. Nothing?—No. I cannot say I did not hear a little that was said by a woman that was here; what her name was I do not know, nor either did I heed to know.

2256. What was the woman's name?—I cannot say; I did not heed. I heard something; what the words were I cannot say.

2257. Were you in yesterday when the witnesses were cautioned to keep out of the room?—I was not.

2258. Why did you withdraw from the room?—I merely came in.

2259. Did anybody acquaint you that it was irregular to be in the room?—Not anybody; seeing others had come, I thought I might.

2260. Why did you go out?—I went out in this manner; I had a lady here, and, therefore, of course wished to go out.

2261. No one told you to go out?—No one told me; I merely accidentally came into the room.

2262. What did you hear; did you hear any facts stated?—I heard nothing at all; nothing that I cared to come in for; it was merely an accidental thing to come in.

2263. Was more than one witness under examination whilst you were in the room?—No, not at all.

2264. And you do not know that witness's name?—No.

2265. Did you hear what that witness stated?—No, not one thing.

The Chairman stated that the Witness might be examined.

2266. Mr. *James.*] Did you keep the "King's Head," at Maldon, at the time of the election?—Yes.

2267. Had you any account against Mr. Western?—I had.

2268. How much was it?—My books will prove it.

2269. Have you got your books here?—I have.

2270. Where are they?—They are outside, if any one will fetch them in (*they were handed to the Witness*).

2271. Are those your books?—They are.

2272. Turn to your account to Mr. Western; the "King's Head," at Maldon, at the election?—(*The Witness referred to the books.*)

2273. Just show it to me, if you please; is that the book from which you made out the account?—From that (*handing a book to the learned Counsel*).

2274. Look at the other book?—Yes, this is my horse book.

2275. That is for horse hire; the other, I see, is for refreshment?—This is daily entries, this book, for horse work.

2276. Turn, if you please, to the entry; does that begin with March the 11th?—I think it does; March the 11th.

2277. Mr. *Phinn.*] Did you keep that book yourself, or did somebody in your employment keep it?—Myself; except upon the occasions of my being out.

2278. Mr. *James.*] "March 11th, Mr. Digby." I see you book "Horse hire, one day, Mr. Warriker"?—Yes.

2279. Had Mr. Warriker upon that day, the 11th, that horse; had he your gig?—Yes.

2280. On March the 14th, I see, "Mr. Digby, horse and carriage to Tollesbury, and Mr. Baxter"?—Yes.

William Lansdell.

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2281. Had Mr. Baxter, on the 14th, a carriage from you to go to Tollesbury?—He had.

2282. Mr. Digby; you have entered it to Mr. Digby; but it was a carriage for Mr. Baxter to go on that day to Tollesbury?—Yes.

2283. Did you make out the account and deliver it to Mr. Digby with that item in it: "March 14th. Mr. Digby, carriage to Tollesbury; Mr. Baxter"?—I did.

2284. That would show that Mr. Baxter had that carriage to go to Tollesbury on that day?—He did.

2285. When you delivered your account, showing that Mr. Baxter had the carriage to go to Tollesbury on that day, did Mr. Digby say anything to you about the account which you so delivered?—The account was sent in, and he wished to have another account, not naming the person.

2286. Not naming Mr. Baxter?—Not naming Mr. Baxter.

2287. Did he say so?—Yes.

2288. Mr. Digby wished to have another account, not naming Mr. Baxter; you mean not naming him on the 14th?—Only signifying the day; merely not naming the party.

2289. Did you upon that take your account back from Mr. Digby?—Well, I received it with my own hand; it was sent back to me, and I made out a fresh bill.

2290. Is this the fresh bill which you made out omitting Mr. Baxter's name as having had that carriage—(*showing a Paper to the Witness*)?—This is the bill.

2291. Did he tell you why he wished the account made out omitting the name of Mr. Baxter?—I cannot say the express words, but he wished to be furnished with a fresh bill, only making mention of the actual work of the day, not with the party who had it.

2292. Did he state to you why he wished that; did he give you any reason for it?—The exact words I really am not in a position to give.

2293. The substance?—That is he thought probably it would be advisable.

2294. I see that the account which you have sent in omits the name of Mr. Warriker, which you say the first account contained, and omits the name, under the item of the 14th of March, of Mr. Baxter, for the gig to Tollesbury?—Yes.

2295. Was that in compliance with his request?—It was.

2296. And you then delivered it?—I made the Bill out.

Cross-examined by Mr. *Phinn*.

2297. Did you send in two accounts of the horses and carriages in the first instance, or one account only?—The first account was one.

2298. Were there two separate accounts?—The same account as before, but the only difference is placing the day instead of the party having had it; naming the day of the week in place of the party having had it.

2299. When did you see Mr. Digby upon this subject?—Well, it was a few days after the election when the bills were being paid.

2300. Did you see Mr. Digby himself?—I was at Mr. Digby's office.

2301. Will you just tell us exactly what he said to you?—I cannot do that.

2302. Cannot you tell us?—I can only name this, that he wished to have another account rendered to him, whereby no name of the party having had the conveyances should appear.

2303. Whose writing is this entry; "Mr. Digby, gig to Tollesbury—Mr. Baxter;" is that all in your handwriting?—No, it is not; the entry was made in Mrs. Lansdall's writing.

2304. This entry is Mrs. Lansdall's writing?—The horse and gig.

2305. Was this made at the time of the horse being sent out?—Yes.

2306. Who wrote in "To Tollesbury, for Mr. Baxter"?—Myself.

2307. When?—When they returned with the horse.

2308. What made you do that?—It is a rule with me to do it when I have an account standing.

2309. Will you show me any other instance where you have done it?—Many; "Peacocke, Esq.—Horses and Brougham—18 miles—Dr. Baker."

2310. There is nothing where the horse and brougham went?—Not in that particular case; it is noted by the mileage, 18 miles; we are not to know at all times where persons go.

Re-examined

Re-examined by Mr. *James*.

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2311. Do I understand you that your wife entered on March 14th "Mr. Digby, horse and gig"?—When it went out.

2312. Mr. *Phinn.*] You said this bill was for the same amount as the first; was not there the last item added; "Use of room, fire and lights, March the 20th, 1*l.*"?—I think that was an additional bill.

2313. Then you are not correct in saying it was for the same amount?—No.

2314. Was not this what passed; that Mr. Digby said if you would make out a fresh bill, including that item, he would pay you the whole?—That is it.

2315. Was Mr. Western staying in your house during the election?—Certainly.

2316. Mr. *James.*] I understand you to say it is this: when a horse and gig goes out, if your wife sees the horse and gig go out upon a journey she enters it?—Yes.

2317. And that portion of the entry so far, is in her hand-writing?—The first, the name of the person.

2318. When the person comes home, and you learn where they have been to, you make an entry of it?—Yes.

2319. Is that so all down the book?—Yes.

2320. Whether it is your writing or your wife's, are you quite sure that you sent in the account with that entry, showing that Mr. Baxter went to Tollesbury?—I did.

2321. Did Mr. Digby when he told you to let him have an account without the names, did he find any fault about the amount of the bill?—No.

2322. Was the amount that you sent in the same?—Except as far as regards the last item, which is for the room, I think.

2323. The use of the room; that is all?—Yes.

2324. You are quite certain that is what Mr. Digby said to you about the names of the people?—That was certainly mentioned.

2325. Was that the reason why the account was returned?—That was the reason why the account was returned, and he is retaining it now.

2326. Was the account which you sent in retained by him?—Yes.

2327. Did you leave the account which you made out with Mr. Baxter's name in, showing that he went to Tollesbury, in Mr. Digby's possession?—Yes.

[The Witness withdrew.

William Collins was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

William Collins.

2328. ARE you a Maldon voter?—Yes.

2329. Where do you live? Little Totham.

2330. Did you come into Maldon on the day of the election?—Yes.

2331. Who with?—I drove a cart there.

2332. Did you drive yourself?—Yes, I drove myself.

2333. You drove in?—Yes.

2334. Where did you drive to?—I drove to the White Lion.

2335. When you got to Maldon, did you go to breakfast anywhere?—No, I did not.

2336. Did you get any refreshment there?—Yes, I bought it myself and paid for it.

2337. Do you know Mr. May?—Yes, I know Mr. May.

2338. Do you know Mr. Payne?—Yes.

2339. Did you go to his house?—Yes.

2340. When you got there, what part of the house did you go to?—I went into the kitchen after I had been there some while and got my horse some victuals.

2341. Did you have any refreshment there?—Yes, I did; I asked for some beer.

2342. Anything else?—I was standing in the kitchen, where the servants were at victuals, and they asked me to have a piece.

2343. Were there any more people with you at that time?—Four.

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2344. Were they voters?—Three were.

2345. Were they voters?—Yes, they were.

2346. How long did you stop there?—Well, perhaps an hour or two; for one old gentleman was very ill, of the name of Henry Glasscock. I carried him there, and brought him back; he is dead now; he had not anything, any victuals, nor yet drink.

2347. Did you see Mr. Payne?—No.

2348. How came you to go to Mr. Payne's?—There was a man lived at another farm, and so we went past his house with the horse and cart, and there we stopped and got victuals for the horse; and then there was two old gentlemen lived against his house, quite old men, that is what we went round there after.

2349. Did you breakfast before you came there?—Yes, we had some before we came; I had, for my part; I do not know anything of what the others had.

Cross-examined by Mr. *Phinn*.

2350. How far off from Maldon do you live?—About four miles.

2351. Were you a workman of Mr. Payne's?—I was, and am now.

2352. Were the other people who came in workmen of his?—They was.

2353. I suppose, sometimes when you come in you get a snack there while you stop to bait the horse?—Yes, we have done.

2354. At election times as well as others?—I do not know that.

2355. Do you ever come into Maldon?—He does not live in Maldon now.

2356. Where does he live?—At Totham.

2357. He did live at Maldon then, did he?—No; he used to live at Maldon.

2358. Did you go backward and forward to Mr. Payne's house sometimes?—Yes; he used to have a coal-yard there, and we used to fetch the coal.

[The Witness withdrew.

William Ward was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows.

William Ward.

2359. Where do you live?—Great Totham.

2360. Did you go to vote at the Maldon Election?—Yes.

2361. When you went to Maldon, did you breakfast anywhere?—Yes.

2362. Where?—Mr. May's farm.

2363. Where?—At the house.

2264. Does Mr. May live there?—No, the looker.

2365. How many breakfasted with you?—I cannot say that exactly.

2366. How many, ten or twelve?—I should say eight or nine, I think.

2367. After you had had your breakfast, where did you go to?—To Maldon.

2368. Did you all go to Maldon together?—Yes.

2369. When you went to Maldon, where did you go?—I went into the town.

2370. Did you all go together?—We all went to Maldon together.

2371. Were you all voters?—No; I think there was one or so that was not a voter.

2372. Where were you driven to?—To Maldon.

2373. Where to in Maldon?—In the town, against the hustings.

2374. Did you then go up to vote?—No.

2375. Where did you go to?—Walked about the town.

2376. You say, with the exception of one or two, they were all voters that came with you to Mr. May's?—Yes.

2377. Had you ever breakfasted at Mr. May's before?—No.

2378. Had you a pretty good breakfast?—Oh yes; a very good breakfast.

2379. How have you usually voted before at Maldon?—For the two blues I mostly voted before.

2380. Who did you vote for this time?—For Moore and Western.

2381. When you got to Maldon, did you have any refreshment when you got there?—No.

2382. None at all?—No.

2383. And you went back again in the afternoon to Totham?—Yes.

2384. Is your wife's name Maria?—Yes.

2385. Did

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2385. Did you see Mr. May when you got to Maldon?—Yes.
2386. Mr. Alfred May?—No; I saw young Mr. Edwin May.
2387. Is that Mr. Alfred May's son?—Yes.
2388. Who had canvassed you for your vote?—Well, Mr. Peacocke and Mr. Moore canvassed.
2389. Who else?—Mr. Western.
2390. When Mr. Western canvassed you, who was with him?—Mr. Edwin May was with him.
2391. Did you see Mr. Edwin May before or after you had voted at Maldon?—I saw him when I got out of the van at Maldon.
2392. What, did Mr. Edwin May say anything to you?—He asked me if I was going to vote then.
2393. What did you tell him?—I said, "No, not just yet."
2394. What time of the day was it when you voted?—Between three and four.
2395. You say that you got nothing at Maldon?—No.
2396. And your wife's name is Maria?—Yes.

Cross-examined by Mr. *Phinn.*

2397. You say that you voted blue before?—Yes.
2398. Do you rent a little land under Mr. Dixon?—Yes.
2399. Mr. Dixon, I believe, asked you to vote for Mr. Western?—Yes.
2400. And so you did?—I did, I obliged him with a vote.
2401. Were you and the persons that breakfasted servants of Mr. May?—No; not all.
2402. The men that were with you at the breakfast; how many of them had been working for Mr. May?—I think two or three of them were working for Mr. May.
2403. You did not see Mr. May at the breakfast, did you?—No.
2404. There was the looker?—Only the looker I see.

Re-examined by Mr. *Rodwell.*

2405. Who did you say canvassed you for Mr. Western?—Mr. Edwin May and Mr. Western came to me.

[The Witness withdrew.

Maria Ward was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Maria Ward.

2406. YOU are the wife of the last Witness?—Yes.
2407. Some few days after the election, had you occasion to see Mr. Digby, of Maldon?—Yes.
2408. Will you state what passed between yourself and Mr. Digby when you saw him?—My business to go to Mr. Digby was respecting seeing him, to know whether he should be at home in the evening, if my husband and Mr. George Gentry, at Great Totham, the carpenter, called respecting binding my son out apprentice.
2409. Go on and tell us what you said to Mr. Digby?—I do not think I can do that.
2410. Do not you recollect it?—No, I do not.
2411. You did go there?—I did; it was my business I went on.
2412. Did Mr. Digby say something to you?—Yes, Mr. Digby did say something to me; because he gave me an answer to say that he should be at home if my husband went up.
2413. This was not many days after the election?—I cannot say it was; I do not know the day of the month.
2414. Was anything mentioned about your husband's breakfasting?—Yes.
2415. Just recollect what it was; you must tell us the truth, you know?—I will if I can, but I do not know; I have a very bad memory; I do not know that I can recollect.

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2416. Did Mr. Digby say something to you about your husband and his breakfast?—(*The Witness hesitated*).

2417. Do not you recollect?—I do not know, I am sure, what next passed; I cannot say; it was my full business that I went upon.

2418. After that business was done, had Mr. Digby a little business with you; did you mention your husband's name to Mr. Digby, about his vote?—Yes.

2419. Tell us what it was?—I asked Mr. Digby, as my husband had obliged him, on account of holding a little land under Mr. Dixon, that he had obliged him with a vote, and I hoped he would bind him as cheap as he could for me.

2420. When you mentioned about your husband having obliged him with a vote, did Mr. Digby then make some remark about a breakfast; did Mr. Digby say something to you—make an inquiry of you as to your husband's breakfasting upon the day of the election?—He asked me whether my husband went to breakfast, and I told him "Yes."

2421. Did he say where?—He asked me, and I told him.

2422. Mr. May's?—Yes.

2423. When you told him Mr. May's, what more did Mr. Digby say?—Asked who ordered it.

2424. Go on?—That is all I can say.

2425. Did you tell him?—I told him Mr. Clark.

2426. What more did Mr. Digby say?—Not anything more that I recollect; but Mr. Digby would not have said anything to me about the election, if I had not to him.

2427. Did Mr. Digby ask you whether you had been spoken to about this, or said anything about this?—No, he did not.

2428. Now tell me whether, when you said he had breakfasted at May's, and you said he had, I ask you whether Mr. Digby made any observation to you or not?—I do not know, nor I should not have said anything at all respecting about it, if I had not been driven into it in a very unbecoming manner, and been accused of bribery.

2429. I want you to tell me what it was Mr. Digby said?—I do not recollect that Mr. Digby said anything more to me.

2430. What is it that you had been driven into?—I was accused of bribery, or else I should not have said anything at all respecting Mr. Digby. I said it on purpose to clear Mr. Digby and myself too.

2431. What was it that Mr. Digby said to you when you told him that Clark had asked him to breakfast at May's?—I do not know what he said.

2432. Will you say that he did not say anything?—I cannot say.

2433. Was not there something said which you have since told some one else that Mr. Digby said?—Not that I remember.

2434. Do you mean to swear that you do not remember?—No, I will not swear anything false.

2435. Will you swear that you do not remember what it was?—I do not remember what there was more.

2436. Do you swear that you do not recollect Mr. Digby making an observation to you?—I do not remember it; I could not tell you whether there was anything more said or not.

2437. That you swear positively?—I say I do not like to swear to anything false.

2438. Do you swear that Mr. Digby said no more, or do you swear that you do not recollect whether Mr. Digby said any more?—I cannot recollect any more.

2439. Will you pledge your oath whether Mr. Digby said nothing more to you, or whether you do not recollect what Mr. Digby said to you?—I do not recollect what Mr. Digby said to me.

2440. You swear that you do not recollect?—I could not tell the words.

2441. Tell me what the effect of it was?—I do not know whether it was as this, not to say anything, or not to take any notice.

2442. Was it one of those two expressions; why were you not to say anything; why were you not to take any notice; what was said?—Nothing; I am not accused of any one thing.

2443. When you told him that Clark the looker had asked him to breakfast, tell the Committee whether you can recollect the words Mr. Digby used, as nearly as you can?—I have told you as nearly as I can.

2444. Tell

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2444. Tell me again?—I do not think I can; it is wrote down before me, and as regarded receiving anything I never received a penny; I was accused of bribery, or else I should not have said anything about Mr. Digby; or else I should not have said anything.

2445. What was it Mr. Digby said?—I have told you.

2446. Tell me again?—I do not think I can.

2447. You have not forgotten what you said a minute ago. Has Mr. Digby spoken to you since?—No; I have not seen him since.

2448. Tell me what Mr. Digby said?—I tell you, it began respecting my son.

2449. I want about the breakfast?—I do not know anything about the breakfast further than I have told you.

2450. What was it that Mr. Digby told you to say nothing about or take no notice of?—Nothing at all.

2451. Did Mr. Digby say to you, "Say nothing about it," or, "Take no notice of it," and you did not know what it referred to?—No, I had not any reason for it.

2452. When was it that he made that observation?—The same day that I went about it.

2453. Did he say that to you after you had stated that your husband had been to breakfast at May's at Clark's request?—The same day that I said this to him.

2454. And you cannot recollect anything more?—Nothing more passed between us that I know of.

Cross-examined by Mr. *Phinn.*

2455. Have some people been saying at Maldon that your husband had been bribed?—It was said to me.

2456. The day that you went to Mr. Digby?—No.

2457. Did you see Mr. Digby after that?—No; I had not anything to do with it.

2458. People said that—did you tell those other people what had passed?—No.

2459. Not a word?—There is Mr. Cood present, that was the person who called me up to Mr. John Barrett's. I was driven into it by that.

2460. Did he bring you a paper ready written, and ask you to sign it?—That I cannot say; I think it was wrote down at the time I was there.

2461. Did he write something out whilst you were there, and ask you to sign it?—Yes; I did sign it with a cross.

Re-examined by Mr. *Rodwell.*

2462. Did you sign it?—With a cross, I cannot write.

2463. As you have been reminded about the statement you made to Mr. Cood, perhaps you can tell me more distinctly what it was that took place?—I told you all that took place.

[The Witness withdrew.

Mr. *Rodwell* stated that that was the case on behalf of the Petitioner.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 18° *die Julii*, 1857.

The Names of the Members were called over:—all present.

Mr. *Phinn* stated that he wished to ask George Allen some questions in explanation of an answer which he had given.

George Allen was again called in; and further Examined by Mr. *Phinn*, as follows:

George Allen.

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2464. YOU told me that you had not seen George Cood since the last election?—I never said no such thing; I see him mostly every day.

2465. I asked you if you had seen Mr. Cood, since the last election, about your evidence?—I said, "No."

2466. Did you not see him the night before last about it?—No.

2467. Did he come to you, the night before last, at Maldon?—I have not seen him, not to the best of my recollection.

2468. Did you see him the night before last, at Maldon, at your house?—I did not, at my house.

2469. At Maldon, with Mr. Handley?—No, I do not recollect seeing him.

2470. Will you swear you did not?—The night before last, when was that? that was Wednesday night.

2471. No, it would be Thursday?—

Chairman.] Answer the question, Yes or No. Did you see him the night before last?—

Witness.—I cannot remember, not for a minute; I am sure I see him one night, I do not know which.

2472. Was it one night this week?—It was one night this week.

2473. Mr. *Phinn.*] Was it about coming up here to give evidence?—He came and asked me to tell him, but I would not.

2474. To tell him what?—What I knowed.

2475. Did you not say to him that you would not tell him under 10 *l.*?—I did not.

2476. Recollect yourself?—I know I did not.

2477. Did you say you would not come unless he gave you 7 *l.*?—I did not.

2478. Did you say anything about 7 *l.*?—No.

2479. How about 10 *l.*?—No.

2480. What were you to have for coming up?—I was to have nothing, only what my legal expenses were.

2481. Will you swear that the words, "seven pounds," nor "ten pounds," were neither mentioned by you to Mr. Cood, nor by him to you, upon that occasion?—I will.

2482. Nor upon any occasion, upon your oath?—I will swear that I was not to have either 10 *l.* or 7 *l.*, nor any money at all, for my evidence.

2483. Was the words, "seven pound" mentioned between you?—I never heard it.

2484. That you swear?—I will.

2485. Nor 10 *l.*?—No.

[The Witness withdrew.

Charles Baxter was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows.

Charles Baxter.

2486. ARE you a Confectioner living at Maldon?—I am.

2487. Do you recollect being at Tollesbury when Mr. Western canvassed the place?—I do.

2488. What day was it?—I cannot say; on a Saturday, I know.

2489. Was

2489. Was it in the month of March?—I should say it was.

2490. How long before the election?—I should think a fortnight or three weeks.

2491. I believe you knew the people living at Tollesbury, did you not; some of them?—I knew some of them.

2492. Do you know a man named Bowles?—I do.

2493. Do you know a man named Chatterson?—Yes, I do.

2494. Do you remember going to the King's Head?—Yes.

2495. Who went with you?—Do you want all the names?

2496. Yes; just confine yourself to who went in with you?—I will name Chatterson and Bowles.

2497. Anybody else, do you recollect?—There was others in the room; I had a friend of mine with me.

2498. Who was it?—Of the name of French.

2499. Did you have anything to drink?—I did.

2500. What?—I had some brandy and water.

2501. Did Chatterson have anything to drink?—He had.

2502. What?—About the same quantum as I had, and about the same mixture, I think it was.

2503. Did Bowles have any?—He did.

2504. Was his the same?—No; I think it was pure aqua distilled, with a little gin in.

2505. Pure water distilled, with a little gin in?—Yes.

2506. Do you recollect paying for it?—I do.

2507. How much did you pay?—One shilling and sixpence for the first three sixpenn'orths.

2508. How much did you pay in the whole?—One shilling and sixpence.

2509. Do you know Miss Payne?—I do, perfectly well.

2510. How much did you pay her?—I paid her three times, 1 *s.* 6 *d.* each time.

2511. Was it all for yourself, or for anybody else?—That was for me, and the two friends that were with me.

2512. In what station of life is Bowles?—He is a dredgerman; a hard working man.

2513. Is he a man of substance?—Do you mean a muscular man?

2514. No, I mean well-off?—I should think he is worth 400 *l.* or 500 *l.*

2515. And Chatterson, what is he?—I do not know, but I believe him to be a dredgerman; I do not know.

2516. You paid that to Miss Payne; how came you to pay it to Miss Payne?—In the first instance Bowles had not change.

2517. Well?—I paid for the second, and after the second was out I gave Bowles change, and he paid me 3 *s.*, when I ordered the last three sixpenn'orths.

2518. So that in the end you each paid for your own?—We did.

Cross-examined by Mr. *Slade.*

2519. Were you canvassing then with Mr. Western?—Yes.

2520. Was Mr. Western with you?—Yes.

2521. In the house where you were drinking?—No.

2522. Where was he then?—He was in the village of Tollesbury.

2523. Where did Mr. Western meet with you?—In Tollesbury-street.

2524. Were Bowles and Chatterson with you then?—No.

2525. Where did you find Bowles and Chatterson?—In the street.

2526. Did you take them into the public-house?—They went with me, I did not take them in.

2527. Who proposed that you should go into the public-house?—That is a question I cannot answer; I do not know whether I did or anybody else, but my horse was there, and I went in.

2528. Who proposed to you to go into the public-house?—That is a question I cannot answer.

2529. What time of day was it?—I should think about seven o'clock in the evening; I should think about that time.

2530. Was it dark?—No.

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2531. What?—No, I should not think it was dark.

2532. Was it dark or was it light?—Perfectly daylight; getting dusk in the evening time.

2533. First you say it was perfectly daylight, and now it is getting dusk in the evening time; I want to know what time of day was it when you had these glasses of brandy and water and gin and water?—It was after dark when we had them.

2534. What time of day was it when you went into the public-house?—I cannot say.

2535. Do you mean to say that?—Yes.

2536. By the *Committee.*] You have stated that it was about seven in the evening?—I thought he was putting me to tell what time it was within five minutes.

2537. You say it was about seven o'clock?—Yes.

2538. Mr. *Slade.*] Do you adhere to that?—Yes.

2539. Then you do know what time of day it was?—To the best of my belief it was that, over or under.

2540. Did you pay for the brandy and water as you had it, glass by glass?—When the three came in I paid for it, whatever it might be, gin and water or brandy and water.

2541. That was 1*s.* 6*d.*?—Three sixpenn'orths.

2542. Did you have three glasses each?—We had.

2543. When the second three glasses came in, who paid for them?—I did.

2544. When the third three glasses came in, who paid for them?—I did.

2545. You said something about change?—Yes.

2546. Bowles had no change?—He had not.

2547. When were you repaid?—Between the second and third glass.

2548. You paid for them all according to your account?—Of course, I had the money into my hand on purpose.

2549. Where did he get the change?—I gave it him.

2550. Change for what?—For a half-sovereign.

2551. Gave him change for a half-sovereign?—Yes.

2552. What change did you give him?—Ten shillings for the half-sovereign.

2553. When did you do that?—Between the second and third glass.

2554. You gave him 10*s.*?—Yes, for a half-sovereign.

2555. What did he give you back?—Three shillings.

2556. He gave you back 3*s.*?—Yes.

2557. Then you only gave him 7*s.*?—It may be so if you like.

2558. How is it; did you give him back 10*s.* for the half-sovereign, or did you give him back 10*s.*, less 3*s.*?—He paid over the 3*s.* for Bowles and Chatterson.

2559. This was between the second and third glass; there were four glasses owing to you then, you know; how do you make that out?—We had three each, 4*s.* 6*d.* I reckon.

2560. Between the second and third glass you say he paid you; what did he pay you?—I gave him change for half a sovereign, and he gave me 3*s.*

2561. Is that all you had from him?—Yes.

2562. What were the glasses a-piece?—Sixpence each.

2563. Then he paid you in anticipation of the third glass?—He wanted change.

2564. Between the second and third glass he paid you 3*s.*; did he know that he was going to have a third glass?—Yes.

2565. How did he know that?—Because they were ordered.

2566. Why should not he have paid as well as you?—Because he had not got change at that time.

2567. He had when the third glass came in; why should not he have paid as well as you?—That is a question I cannot answer, why he did not; as long as I received the money from him I paid it.

2568. Were you pretty flush of money?—Not particularly.

2569. I do not quite understand that answer: were you pretty flush of money?—Well, I do not understand the word "pretty."

2570. Had you plenty of money in your pocket?—I had sufficient to carry me through the day.

2571. Had you plenty of money in your pocket?—What do you call "plenty?"

2572. I do not know whether you think that is a proper way to answer the question?—I do not know what you call plenty.

2573. How

2573. How much money had you in your pocket?—I could not say.

2574. Will you swear that?—Yes, I will.

2575. Had you 5*l.* in your pocket?—I cannot say.

2576. Had you 10*l.*?—I should say not.

2577. Had you more than 5*l.*?—I cannot say.

2578. Will you swear you cannot say?—I am sworn to what I am saying.

2579. You cannot say?—No.

2580. Where did you get the money from?—I take it out of the till every night.

2581. Did Mr. Digby give you any of this money?—No.

2582. Had you any money from Mr. Digby?—No.

2583. None?—None whatever.

2584. What are you?—A confectioner.

2585. How long is it since you failed?—Four or five years.

2586. What did you pay?—Six shillings and eightpence.

2587. In the pound?—I suppose so; yes, 6*s.* 8*d.* in the pound.

2588. It was?—Yes.

2589. To your creditors?—Yes; a good many of them have had the full, since.

2590. Have you paid them all in full?—No, not all.

2591. What do you mean by saying you paid them in full?—A good many of them; and so they all shall if I should have luck.

2592. Betsy Payne was the young person who took the money?—Yes.

2593. Had you a gig to go to Tollesbury on the 14th of March?—No.

2594. You had not?—No.

2595. We will hand you an account; were you at Tollesbury on the 14th of March?—If that was the day you speak of, I was; I do not know the dates; I had a cart.

2596. Then it was a cart?—Yes.

2597. A cart and horse?—Yes, I had a horse with it; we do not turn horse, and draw the cart ourselves.

2598. Whom was it hired from?—William Lansdell, of the King's Head.

2599. What were you going up there for them?—Up where?

2600. To Tollesbury?—I went down to Tollesbury for the purpose of canvassing with some of the men I knew in Tollesbury for Mr. Western.

2601. Canvassing for Mr. Western?—Yes.

2602. Were you at the King's Head, then?—At Maldon or Tollesbury?

2603. At Tollesbury?—I was at the King's Head that day; not at the time I was canvassing.

2604. But you were there that day?—I have admitted that I was there.

2605. Was Mr. May there?—Which Mr. May?

2606. Mr. Henry?—He was.

2607. At the King's Head?—Yes.

2608. This is the very day we are talking about when Bowles and Chatterson were there?—Yes.

2609. You were over there then with this horse and cart?—Yes.

2610. This is the very day?—On the Saturday, I will speak to, but I do not know the day of the month.

2611. Were you ever there on any other occasion when you were in the public-house with Bowles and Chatterson?—Do you mean previously? Scores of times.

2612. Drinking in that way?—I always have something to drink when I go there.

2613. And the others have the same?—If they fell in with me.

2614. Is there the same difficulty in getting change always that you pay first?—I did not; they paid.

2615. Has that ever happened before?—Not knowing, I cannot say; at least, I cannot tax my memory with that at present, I do not recollect whether I was ever in that plight before.

2616. How came you to recollect what happened so well on this day?—You put questions to bring these things to a man's mind.

2617. I only put the questions; I am trying to see whether it is true; how came you to recollect about this change being wanted?—I should fancy any commonplace man would recollect a thing of that kind.

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2618. Can you recollect upon any other occasion the same thing happening?—Perhaps I might.

2619. I ask you, do you?—I do not.

2620. When did you mention this first?—Mention what first?

2621. About your having been there with Bowles and Chatterson, and Bowles having no change, and your giving him change for a half sovereign?—I do not know that I ever mentioned it at all.

2622. When did you mention it to these gentlemen?—Is this speaking previous to to-day?

2623. Did you before to-day?—No, I have never seen one of them.

2624. I do not mean the gentlemen in the wigs and gowns?—I beg your pardon, I thought you did.

2625. The other gentlemen; the agents, you know; when did you tell it to them; when did you tell it to Mr. Digby?—I never told him of it.

2626. Is this morning the first time you mentioned it?—I have not mentioned it to Mr. Digby about going down to Tollesbury.

2627. You have not?—No.

2628. What I want to know is, when it was first called to your attention that it was stated that you had been to the King's Head, at Tollesbury, drinking with Bowles and Chatterson?—I should think the first I heard of it was one night against the King's Head there, when I heard Mr. George Cood speaking about it.

2629. When was that?—I cannot tax my memory to the day.

2630. About?—It was after the election.

2631. What was said to you then about it?—Nothing at all.

2632. Was that the first time it was called to your recollection?—Yes.

2633. After that, whom did you first mention it to?—Well, I do not recollect mentioning it to any one.

2634. I want to know how these gentlemen came to think of you, and to know that you knew all about it; when did you tell Mr. Digby, or any body connected with Mr. Digby's office?—I will tell you. After Mr. Cood served the Speaker's warrant upon me, I went up to Mr. Digby and said, "I suppose I have got to go up on the Tollerbury case?" he said, "What is that?" I said, "Well, they said I have treated Chatterson and Bowles;" then he says, "I suppose you will have to go to London about it, then?" and I said that Mr. Cood, when he served the Speaker's warrant upon me, he says, "I do not know that I shall want you, but you will hear from me," or "further from me;" I will not say whether he said the word "further." That is about all of it.

2635. Did you go to Mr. Digby and tell him you had been served with a Speaker's warrant by Cood?—No, I never told Mr. Digby so.

2636. Whom did you tell?—I believe I spoke to Mr. George Digby.

2637. Mr. George Digby; that is the election auditor; you spoke to him, and told him you had been served with a warrant by Mr. Cood?—Yes.

2638. You did tell Mr. G. Digby, the election auditor, you had been served with a Speaker's warrant by Cood?—Yes.

2639. Did Mr. Cood tell you what you were wanted for?—No.

2640. How did you know what you were wanted for?—Things go about the town; we could pick out things.

2641. How do you mean, "Things go about the town?"—Tittle-tattle.

2642. You seemed to know perfectly well that you were to be called here for the purpose of some treating with Bowles and Chatterson; how came you to know that, or imagine it?—Well, I know that I did not treat them any more than they treated me; they paid equal for all they had.

2643. I want to know how you came to imagine that it was a charge against you that you had treated Bowles and Chatterson any more than anybody else?—There are many charges that are got up that no one knows how they arise.

2644. You told us you had not spoken a word to anyone about it; how did you imagine you were to be had here to give evidence about treating Bowles and Chatterson?—I got a warrant.

2645. The warrant did not say that?—No; but everybody knows, if a man has got a conscience he knows, if there is anything at all.

2646. I thought so; you have got a conscience, have you?—Yes, I have.

2647. I suppose your conscience told you what you were to be had here for?—No, I do not know that, exactly.

2648. What

2648. What did you mean by the last answer, "Everybody has got a conscience?"—Anyone would suppose, when things are talked about, everyone naturally knows whether they have been to a place; I knew I had been down to Tollesbury, and some one, I believe the carrier from Tollesbury to Maldon, put it about in Maldon, that Miss Payne had said that I had treated Bowles and Chatterson.

2649. That is what you call your conscience?—No; I should not call that my conscience.

2650. I want to know what you meant by telling the Committee that everybody has got a conscience; what do you mean by that, because it was so easy to say the carrier had said Miss Payne told this, instead of giving that answer that everybody has got a conscience; what do you mean by talking about conscience?—It struck me what was meant; in fact, the day before I was told by a neighbour in Maldon that Miss Payne, of Tollesbury, had said to Mr. Coode, I believe it was, that I had treated Bowles and Chatterson.

2651. When did the carrier tell you this?—He did not tell it to me.

2652. When did you hear it, that the carrier had said that Miss Payne had said that you treated Bowles and Chatterson?—I do not know the date.

2653. Yes you do; about how long?—I should think about two months ago, perhaps. I do not know; I cannot say it was to a week, or anything of that kind.

2654. When you first heard that that charge was made against you, did you go and speak to Mr. Digby?—No.

2655. Or to anybody?—No.

2656. You kept it to yourself?—I knew there was nothing in it, so I kept it.

2657. Did you deny it?—I never was charged with it.

2658. But there was a report, you say, about?—I said it was no such a thing. I paid no more than the others.

2659. You said so?—I did.

2660. Whom to?—The party that told me of it.

2661. Give me their names?—I cannot. It was public-house talk; I believe it was.

2662. Just now you told us you said nothing about it to anybody till to-day?—I beg your pardon.

2663. You certainly did?—Cross-examination, you know.

2664. When did you mention it to anybody, or tell anybody, the story you have told to-day about Bowles wanting change for 10*s.*, and your giving it to him between the second and third glass?—I do not know.

2665. Did anybody take down what you were going to say in writing?—When?

2666. At any time?—Yes.

2667. When was that?—Last night.

2668. Then, last night, you did tell what you have told to-day, to somebody, who took it down in writing?—Yes; not so much of it, perhaps, as I have said here.

2669. You told a good part of it?—The sum and substance.

2670. Was that the first time you had ever told it to anybody?—Oh, no, I have had plenty of talk with other people about it. When I say plenty of talk, it has been named at times.

2671. I want to know when you first gave in detail, or in sum and substance, what you have told to-day?—Last night the sum and substance of it.

2672. Had you been told what Miss Payne had said?—No.

2673. What?—No.

2674. Will you swear that?—I will swear I do not know what she said.

2675. I ask you, had you been told what she had said?—I do not know how to answer that question. I did hear that Miss Payne had said that I treated Bowles and Chatterson.

2676. When did you hear that?—I cannot say.

2677. Yesterday?—Oh, long before that.

2678. Have you heard what she had said in this room?—No.

2679. Have you been told what she had said in this room?—No.

2680. You swear that?—I will.

2681. Have you read what she said in this room?—No, I have not seen the papers.

2682. Have you read it anywhere?—No.

 2683. How

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2683. How came they to come to you last night?—I do not know.

2684. Was it at Maldon?—Yes.

2685. Last night?—Yes.

2686. Who came to you?—Mr. Digby's man, or servant; he said he wanted to see me.

2687. Did he take you anywhere?—No.

2688. What did he ask you?—He told me that Mr. Digby wanted to see me.

2689. Did you you go to Mr. Digby?—I did.

2690. What did Mr. Digby say to you?—Mr. Digby was not at home; not the Mr. Digby, but Mr. George was.

2691. What did Mr. George Digby, the election auditor, say to you?—I do not know.

2692. Yes you do?—No, I do not; not just now.

2693. It is only yesterday; it is much easier to recollect that than about the change, which happened two months ago, between the second and third glass of brandy and water; what did Mr. George Digby say to you yesterday?—I believe Mr. Digby said I should have to come to London this morning.

2694. Is that all?—Yes.

2695. That is all, is it?—There might be a few more words.

2696. Give us the few more words?—I did not write it down, so I could not recollect it.

2697. But he took something down?—Very likely.

2698. "Very likely;" did he or did he not?—He did.

2699. Did he put any questions to you; you say, he said it was likely you would have to go to London, to-morrow; what else was said?—Mr. Digby says, "You will have to go to London in the morning;" I said, "Very good, sir, I suppose I must," or something of that kind, and here I am to answer any question that any one thinks proper to put to me.

2700. Is that all?—I believe that is all that Mr. Digby said to me.

2701. When was the sum and substance taken down in writing?—If he wrote anything, it must be last night.

2702. Did he write anything last night?—I saw him writing.

2703. Did you tell him anything?—No; yes; I did tell him.

2704. Tell me what?—That I denied all the charge about the treating at Tollesbury.

2705. How did you know it was about the charge, he said nothing about that; he said you were to go to London, to-morrow, you said, "I suppose I must;" then you say you denied all about the charge; how did you know that was the charge?—Because he told me.

2706. What was it he told you last night?—Mr. Digby said, that Miss Payne had said that I treated Bowles and Chatterson.

2707. This was last night?—Yes.

2708. How came you to say you could not recollect what he said?—I thought you wanted the long round-about of it.

2709. He told you you were to go to London to-morrow, and you said, "Well, sir, I suppose I must?"—Yes.

2710. Then was it he said Miss Payne has said you treated Bowles and Chatterson?—Yes.

2711. What did you say?—I said, "I denied it."

2712. Is that all you said?—There might be another word or two.

2713. That is what you call the sum and substance?—Yes.

2714. Did you tell him about the change for the half sovereign?—Yes.

2715. Then you told him a great deal more; did you tell him about your changing the half sovereign between the second and third glass, just as you have told these gentlemen to-day?—I did.

2716. Then you told him exactly as you have been telling to-day?—I told Mr. Digby what I have repeated here to-day.

2717. And that was written down?—I believe it was.

2718. Was that the first time you gave the sum and substance of what you have given to-day to anybody?—Yes, if you mean as to taking down or anything of that kind.

2719. Had you ever told anybody else, besides Mr. George Digby, anything about the change given to Bowles for the half sovereign?—Yes.

2720. Who?—

2720. Who?—Some of my neighbours in the town where we were talking about it; we have been talking about it the last three or four days.

2721. The last three or four days?—Yes, plenty of talk about it.

2722. I thought you told me just now, that the "sum and substance" you had never told to anybody, except last night?—But I can hear without telling.

2723. What do you mean by that?—I put it to any gentleman here; you can hear a tale, but you are not forced to say anything about it.

2724. Did you?—No.

2725. Until you told Mr. George Digby last night, you never told anybody about the change of the half sovereign?—Not to be taken down as a statement, or anything of that.

2726. What did you say; did you mention it to any living soul?—Yes.

2727. To whom?—I do not know that I can tax my memory.

2728. Try; anybody that we can refer to; any person to whom you really did say anything about the half sovereign, till you were asked to come to London to contradict Miss Payne?—I do not know that I can.

2729. Will you pledge yourself that you ever did?—Yes, I will pledge myself, at least, I know that I have named it.

2730. To whom?—That I cannot say.

2731. To more than one?—Yes.

2732. How many more?—One more, I should think.

2733. That is two; to two people?—Yes.

2734. Can you tell me the names of either of those people?—Well, perhaps if I had said I named it to half-a-dozen I should not have been wrong, but I cannot tax my memory with either of them.

2735. But you have heard it often talked about, that Betsy Payne had said that you treated these men; you have heard it talked about; you say the carrier had said so?—I did not hear it from the carrier.

2736. It was reported?—It was reported.

2737. Did you never say, "That is an entire mistake, I changed half-a-sovereign for him?"—No, I did not take the trouble.

2738. You never took the trouble?—No.

2739. When was it you told those one or two people?—As soon as Mr. "King" Hanley, as we call him, "His Majesty," and Mr. Cood was moving in the town, these things got afloat.

2740. What things?—These little frivolous things.

2741. Little frivolous things?—I call them so.

2742. They got afloat?—Yes.

2743. What then?—The same as anything else, there was prittle-prattle talk about in the town, of course, as other things would be.

2744. You cannot give me the names of the two people to whom you mentioned the change of that half-sovereign?—No.

2745. Where did you mention it?—That I cannot say; mentioned it in Maldon.

2746. When did you mention it?—I cannot tell you.

2747. After you had paid for the brandy-and-water, and the water and gin, which the other men had, did you not tell Betsy Payne that you had perfect confidence in her; that you placed confidence in her?—I have no recollection of that.

2748. Now I repeat the question: after you had paid for what had been drunk by you and the two voters, did you not say to Betsy Payne, "I place confidence in you"?—I have not the slightest recollection.

2749. Will you swear you did not say so?—If a man has not the recollection; I will swear I have no recollection of it; I cannot tax my memory with it.

2750. Will you swear you did not say so?—I will not swear an untruth before anybody; I might say so, but I have no recollection of it.

2751. You might say so?—I might say so.

2752. Why might you say so?—I know nothing of Betsy Payne any more than I do of you.

2753. Did you say to Betsy Payne, "I place confidence in you"?—I have no recollection of it.

2754. Will you swear you did not?—I will not swear it.

2755. Might you have done so?—"Might" is another thing; I have no recollection of it.

2756. Were you very busy in the election?—The election day?

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2757. Or about the canvassing?—No, not very.

2758. Was your canvassing confined to Tollesbury?—Yes.

2759. Confined to Tollesbury?—For the borough election it was.

2760. How often were you up there canvassing?—Twice.

2761. Did you see all the voters?—No.

2762. How many?—I do not know.

2763. Was Allen a canvasser too; George Allen?—Not that I am aware of; I should think not.

2764. Who told you to get that horse and cart from the inn-keeper?—Well, I went and got it myself; I ordered it.

2765. Who told you to order it?—No one.

2766. Who gave you authority?—Authority; I did not want any.

2767. Did you pay for it?—No, I did not pay for it.

2768. Are you in the habit of going in and ordering a gig, or a cart and a horse, and not paying for it?—Not at the time.

2769. Have you ever paid for it since?—Which one?

2770. You know the one; you went up with a horse and cart to Tollesbury?—No, I have not paid for it.

2771. Who gave you authority to go and order a horse and cart?—I do not know; the horse and cart came down to my door; who ordered it I do not know.

2772. I thought you said you ordered it?—I went and told them what time I wanted it.

2773. Who gave you authority to go to tell them you wanted a horse and cart?—No one gave me authority; I had no authority.

2774. Upon whose authority did you act?—Upon my own.

2775. Why did not you pay for it, if it was on your own authority?—Well, I got credit there.

2776. Perhaps you owe the money now?—I have never paid for it.

2777. Do you intend to pay for it?—That is a question I cannot answer.

2778. Upon your oath, sir, give an answer to that question; do you intend to pay for the horse and cart which took you up to Tollesbury; you have not paid for it, and you ordered it without anybody's authority; do you intend to pay for it?—No, I do not know that I shall.

2779. You do not know that you shall?—No, I do not.

2780. Why, you know very well you shall not, do not you?—Well, I do not know that.

2781. You do not know that?—No.

2782. You neither know whether you shall or whether you shall not?—No.

2783. Do you mean this Committee to take that to be a truthful answer, that you neither know the one nor the other?—Well, I do not.

2784. You do not mean them to take it?—They are to take it as they please. I say I do not know whether I shall pay for it or whether I shall not.

2785. Is all you have told us as true as that; is all you have told us about changing a half-sovereign, and paying the money for the brandy and water, as true as that which you have told us just now, or about the same; come, Baxter, you are an old one?—I will bow to you, sir; you say I am an old one, I bow to you; you may think me an old one, but not so old as some of them. (*The previous question was read.*)

2786. Answer that question?—If you put it in a tangible way, so as I can get at it. I do not see what you mean.

2787. You say you do not know whether you shall pay for this cart and horse, and you do not know that you shall not pay for it?—I say so.

2788. And you adhere to that?—I do.

2789. And that is true?—That is true. I do not know whether I shall.

2790. Do you intend to do it?—That is a question I cannot answer.

2791. Do you consider yourself liable to the innkeeper for it?—Yes, I do; of course I do.

2792. Now, do you mean to say that?—I have said it.

2793. Do you mean to say, that if the innkeeper came to you for the hire of that horse and cart, you would pay for it?—Yes.

2794. You would?—Certainly I would.

2795. Do not you know very well that it has been paid for?—No, I do not.

2796. Do not you know very well it has been paid?—I do not know.

2797. You do not?—No, I do not.

2798. Had

2798. Had you a horse and cart upon more occasions than one?—No. *Charles Baxter.*
2799. Only that one?—No.
2800. Had you any horse and cart from anybody else to go to Tollesbury? —No. 18 July 1857.
2801. How did you go there the other time?—Along with Mr. Henry May.
2802. That is one of the agents; one of the canvassers?—No. What is the question you asked first?
2803. I said, "one of the agents"?—I do not know he had an agent.
2804. Do you know him?—Not that I am aware of.

Re-examined by Mr. *Phinn*.

2805. How was it that you came to go to Tollesbury, when you had the horse and cart; who asked you to go?—No one asked me to go; but I knew some Tollesbury people, and I knew Mr. Western.
2806. Did you know he was going that day?—Yes.
2807. How did you know that?—From hearing of it in the porter-room of the house where we were in the evening before, on the Friday.
2808. Did you mention to anybody you were going to order a horse and cart? —Yes.
2809. Who to?—Mr. French.
2810. Is that the gentleman that went with you?—Yes.
2811. Who is Mr. French?—An independent gentleman.
2812. Did you tell him where you should get it from, the horse and cart, or did he tell you?—No; I merely said I wanted a horse and cart, or a gig; I said, "Whatever you have handy to go to Tollesbury."
2813. Whom did you see when you went and said that?—One of the men in the yard.
2814. Did you say for what purpose you wanted it?—No.
2815. You have been asked about this brandy and water; was there any concealment about it?—Not the least.
2816. Were there plenty of other people in the room that could have seen it as well as Miss Payne?—Plenty.
2817. You say you heard of it again in Maldon; were you laughed at about it?—Yes.
2818. When you were laughed at about it, did you explain it, or laugh at it, or what did you do?—I laughed at it at first.
2819. Did some of your friends mention it to you seriously?—They did.
2820. When it was mentioned to you seriously, what did you do?—Then I told them how it was.

[The Witness withdrew.

James Bowles was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

2821. WHAT are you?—An oyster-dredgerman. *James Bowles.*
2822. A master oyster-dredgerman?—Yes.
2823. Have you got a boat and a dredge?—Yes.
2824. How many men do you employ?—Four.
2825. Where do you live?—At Tollesbury.
2826. Do you know Charles Baxter?—Yes.
2827. Do you recollect his coming to Tollesbury?—Yes.
2828. Do you recollect what day it was?—No; I cannot say what day it was.
2829. How soon before the election?—Well; I cannot say; about a fortnight I think; something like that.
2830. Do you remember going with him to a public-house?—Yes.
2831. What did you have?—Some brandy and water.
2832. Who was with you?—Mr. Chatterson and Mr. Baxter.
2833. Do you know how many times you had brandy and water?—I had three glasses.
2834. Were the glasses paid for as they were brought in, or paid for altogether?—

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gether?—There was six paid for altogether, and the other three were paid for together; there was three paid for at first, and then the six were paid for altogether.

2835. Then there were nine altogether?—Nine altogether; six-penn'orths.

2836. Mr. *Slade.*] Three were paid for altogether, and then six?—Yes.

2837. Mr. *Phinn.*] Which was paid for first, the three or the six?—The three were paid for first.

2838. Who paid for them?—Mr. Baxter paid for them; he paid for them altogether; he paid for the three first, and then six; we had nine altogether.

2839. How was it you did not pay for your own?—We paid for them in the room, before we left the room.

2840. Who did that?—Baxter.

2841. Why did not you pay when they came in?—Because I had no change.

2842. Who gave you the change?—I went out and got it myself; I paid Baxter before I left the room.

2843. How much?—Three shillings for Chatterson and me.

2844. Did Baxter treat you at all?—He did not one farthing; I had not a farthing's worth of anybody's treat.

2845. Did Chatterson pay you back?—He did.

Cross-examined by Mr. *Slade.*

2846. Are you a freeman?—Yes.

2847. Of Maldon?—Yes.

2848. Whom did you vote for?—Mr. Western.

2849. A plumper?—Yes.

2850. Do you know how many of your freemen of Tollesbury plumped for him?—No; I do not know.

2851. Pretty nearly all, I suppose, eh?—I believe most of them did.

2852. Were you one of the lucky fellows who had some coals?—I had not any.

2853. You had not?—I had not a bit of it.

2854. Do you know anybody that had; do you know anybody that had the luck to get the coals?—Some of them got some.

2855. Some of the freemen?—A great many of them that were not freemen; there were more that were not freemen that got them than freemen.

2856. A great many got them that were not freemen?—Yes; poor people; I think there was not one-third freemen got the coal.

2857. When did you promise to give Mr. Western your vote?—I promised him the first day he asked me.

2858. When was that?—I cannot say to a month; but the first time he came round canvassing.

2859. Was that after you had been to the King's Head with Baxter?—Before then, three or four weeks; three weeks, I believe, before then; perhaps four.

2860. When did you first tell anybody about having brandy and water in the King's Head at Tollesbury with Baxter?—I cannot say when it was.

2861. You cannot say?—No.

2862. Oh, yes you can; how long ago?—Well, I heard ever so many talking about it before I said a word about it, and then I said I had had the same as they had, but I paid for it.

2863. They were talking about it?—I heard several talking about it.

2864. What did they say?—They said, they heard I was treated. I said I was not; I paid for what I had.

2865. When did you go and tell anybody; did you tell Mr. George Digby, or anybody?—No; I did not.

2866. Did you see anything taken down in writing?—No.

2867. What?—No.

2868. Take care; when did you come from Maldon?—This morning.

2869. Did you have what you have told us to-day taken down in writing last night?—No; I never saw Mr. Digby nor any other one till this morning.

2870. Was it taken down this morning?—No.

2871. Do you mean to represent that nobody has taken down what you were going to say in writing?—It is unbeknown to me if they have.

2872. Whom did you tell?—This morning?

2873. Yes?—There was three or four came up with me; I told them what business I was upon; with me in the same carriage.

2874. Who told you to come up?—Mr. Warriker came after me this morning when I was in bed.

2875. Who is Mr. Warriker?—He lives in Maldon.

2876. Who is he; what is he?—A collar maker; I did not know a word about it till this morning.

2877. Did Mr. Warriker bring you up?—He brought me as far as Maldon, and I took the train.

2878. Whom did you see when you came to London?—I saw Mr. Digby, young Mr. Digby.

2879. Mr. George Digby?—Yes.

2880. The man who was the election auditor; where did you see him?—I saw him in Maldon this morning.

2881. Before you came off in Maldon?—Yes.

2882. Did he ask you what you knew about it?—Yes; he asked me what I knew about it, but I told him the truth.

2883. Did you tell him?—Yes, I told him the truth.

2884. Did you tell him what you have told these gentlemen to-day?—I did.

2885. Did he take it down in writing?—Yes.

2886. You told me nobody had taken it down in writing; you went into Maldon this morning, and you have told Mr. Digby what you have told us to-day, and he took it down in writing?—He took it down in writing.

2887. I asked you sometime ago whether it had been taken down in writing, and you said "No?"—Well; he did this morning.

2888. Did he tell you that Betsy Payne had been examined?—No.

2889. Nothing of the sort?—No.

2890. Did you come with Baxter in the same carriage?—Yes.

2891. Did you and Baxter talk about what you were coming here to tell?—No.

2892. Were you in the same carriage with Baxter?—I came in the same carriage.

2893. The same compartment?—I was in the same carriage, but I did not sit against him.

2894. Were you in the same carriage, the same compartment?—Yes.

2895. How many of you were there?—Eight.

2896. All Maldon men?—No, I am not a Maldon man; they were all strangers to me but Mr. Digby and Mr. Baxter; all the others were strangers to me.

2897. By the *Committee.*] Was Mr. Digby in the carriage?—Yes, and Mr. Baxter.

2898. Mr. *Slade.*] Mr. George Digby?—Yes.

2899. The gentleman to whom you told this this morning, and he had written it down?—Yes; I did not know anything about the other party that was in the carriage they were all strangers.

2900. Who was in the King's Head besides you, and Chatterson, and Baxter?—Mr. French and Isaac Levit, that belongs to Tollesbury.

2901. You say that when the first glass of brandy and water was drank, the first three, Mr. Baxter paid for them?—Yes.

2902. Did you ask him to pay for your glass of brandy and water?—Yes, I did, because I had not got any change.

2903. You said so?—Yes.

2904. You asked him to pay for your glass of brandy and water, because you had not got any change?—Yes.

2905. And had Chatterson got any change either?—No, I paid for him.

2906. How very odd; Chatterson had got no change; did Chatterson ask him to pay for the brandy and water because he had got no change?—Chatterson had not got any money with him at all.

2907. But he still asked him to pay for his brandy and water?—I cannot say, for that, whether he did; I did.

2908. You have just said he did; did Chatterson ask Baxter to pay for his glass of brandy and water, too; did he or did he not?—I did not hear him; I asked Baxter to pay for him because I had not got any change.

2909. Did you ask Baxter to pay for both your glass and Chatterson's?—Yes.

2910. You recollect that?—Yes.

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2911. Were you come to treat Chatterson?—No; Chatterson paid me the next morning.

2912. Whom did you go and get change from?—At my mother's house, the next door; she keeps a shop adjoining the King's Head.

2913. What did you change?—A half-sovereign.

2914. At your mother's?—Yes.

2915. And with the change out of that you paid Baxter 3*s.*?—Yes, 3*s.*; I did.

2916. What time of the drinking was it that you went out for the change; after you had drunk all the glasses of brandy and water?—No, during the time.

2917. How many had you had?—Yes, we had drunk all out.

2918. You had drunk it all out?—Yes; I was thinking about going home, and I went out and got the change, and paid him before I left the room.

2919. You drank up each of those three glasses, and you then went out to your mother's and got the change?—Yes; it was after we had drunk the six glasses when I had got the change.

2920. Where was Baxter when you paid him?—I paid him in the room.

2921. Was he waiting for you?—Yes.

2922. And you paid him in the room?—Yes.

Re-examined by Mr. *Phinn.*

2923. Is Chatterson any relation of yours?—A brother-in-law.

[The Witness withdrew.

George Wyatt Digby, Esq., having been sworn, was Examined by Mr. *Phinn*, as follows:

G. W. Digby, Esq.

2924. ARE you a Solicitor, carrying on business at Maldon?—I am.

2925. How long have you been carrying on that business?—Twenty-eight years.

2926. Are you also the town clerk of the borough?—Yes.

2927. Did you act for Mr. Lennard, who was, I believe, at one time Member for Maldon, as his agent?—Yes, for 20 years.

2928. And up to his death?—And up to his death.

2929. When did he die?—I think, in May 1856; it might be the early part of June.

2930. Are you the gentleman who was examined by the Commissioners at Maldon; the Mr. Digby?—The Corrupt Practices Commissioners?

2931. Yes; the Mr. Digby that was referred to in the report?—I am.

2932. And is Mr. George Cood the gentleman of whom we have heard, the gentleman who was examined, and is referred to in the report?—He is.

2933. Did you, after Mr. Lennard's death, act as agent for Mr. Western?—Yes.

2934. When did he first employ you?—I think within about a fortnight after the death; it might be three weeks.

2935. Do you remember his issuing an address soon after Mr. Lennard died?—Yes.

2936. Just look at that (*handing a Paper to the Witness*), it is dated the 25th of June 1856?—Yes.

2937. Had he consulted you previous to the issuing of that address?—He had.

2938. Soon after that address was issued, did Mr. Western prosecute any canvass?—It was called a canvass.

2939. What did he do?—He went round to be introduced to the electors; he went with my son, not with me; he went round to be introduced to the electors, not with a view of asking them for their votes.

2940. But merely to be introduced?—To take Mr. Lennard's place.

2941. After that introduction was a requisition presented to him?—Yes.

2942. By about 300 of the electors?—By about 300.

2943. Of those requisitionists did he obtain the support at the last election?—Of all but about two or three.

2944. Do you recollect the period of the year at which he went round to be introduced to the electors?—At various periods Mr. Western was engaged; sometimes he took a day or two at one time, and sometimes a day or two at another.

2945. Did that commence soon after his address was issued?—I think it did not commence till August and September, and kept on, now a day, and then a day or two, up to the end of the year.

2946. I believe Maldon is a very large borough in point of extent?—Very large.

2947. It is like a small county?—Yes.

2948. Do you know what it is in circumference at all?—Thirty miles, I should think.

2949. Thirty miles in circumference, the voting district?—It is seven miles in a straight line, very much more than seven miles in the ordinary way.

2950. I believe Mr. Western is connected by property with the district, is he not?—He is.

2951. His father, I believe, succeeded to Lord Western's property, who formerly represented Maldon?—Yes.

2952. And then a division of the county?—Yes.

2953. Previous to the election we have been told that some coals were distributed at Tollesbury?—Yes.

2954. By whose directions were thay distributed?—By mine.

The *Chairman* stated that the Committee had stopped the coal case, and did not wish to have it re-opened.

Mr. *Phinn* stated that from what had fallen from the Committee, he thought it necessary still to go into it.

The *Chairman* stated that the Committee considered they had given sufficient intimation to the learned Counsel that they did not wish to hear any more about it.

2955. Mr. *Phinn.*] Passing from that we come to the period of the election?—Yes.

2956. Was there any committee formed or organised for Mr. Western's return?—None.

2957. Who conducted the election?—I did.

2958. Did anybody have authority from you to act as a committee for the election?—None; no one, I should say.

2959. Where was the business of the election carried on?—In some rooms; part of a house that I hired for the purpose.

2960. Who conducted the canvass?—My son with Mr. Western; I do not mean the canvass to which I have before alluded; the canvass when Parliament was going to be dissolved the last time.

2961. Who kept the returns of the canvass?—He reported them to me, and I kept them.

2962. Was there any other person employed that had access to the report of the canvass than yourself?—My son and I.

2963. When Mr. Western employed you, did he give you any instructions as to the conduct of the election?—Yes.

2964. What were those instructions?—That all illegal practices were to be avoided.

2965. And did you, as far as in you lay, act up to those instructions?—I am quite sure I did.

2966. Did the money for the expenses pass through your hands?—Throughout.

2967. Do the auditor's accounts represent faithfully the whole expenditure?—Every penny.

2968. We have heard something of a Mr. Riley?—I do not think the advertisements of the election auditor's accounts are there; it is not yet completed, so that that will have to be added to the advertisements when they are advertised.

2969. Was this handbill circulated by you?—Yes.

2970. By the *Committee.*] Have you not advertised them already?—No; the accounts of the Conservative candidate have not been ready to be advertised till within the last three or four days.

2971. Do not you advertise your own account separately?—No.

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2972. Do you put them all under one advertisement?—Yes; in one advertisement, under different heads.

2973. Are you not aware that the time for advertising is past?—No.

2974. The accounts have not been sent for publication yet?—They have been delivered in to the election auditor.

2975. Who is your son?—Yes.

2976. And partner?—Yes; I have them here.

2977. Mr. *Phinn.*] Who is the election auditor appointed by?—The mayor.

2978. When is he appointed?—In the month of August.

2979. When is the mayor elected?—In the month of November.

2980. Who was the mayor that appointed your son?—All the mayors have appointed my son successively, except the present mayor, who has not had an opportunity of doing so.

2981. How long has he been auditor?—Ever since the Corrupt Practices Act passed.

2982. Ever since 1854?—Yes.

2983. On the last appointment was there any anticipation by you of an election in the current year?—No.

2984. Then is it correct, as stated by Mr. James in his opening speech, that he was appointed by the present mayor?—Certainly not.

2985. He could not be?—No.

2986. Who was mayor last year?—George May, Esq., last year.

2987. Yo know Mr. Riley?—I do.

2988. Did you employ him in any way at the election?—No.

2989. Did he ever canvass with you at the election?—No.

2990. Did he ever come to your room at the election?—I am informed he came once.

2991. Did you ever see him there?—I will not say I did not see him, because I am told he spoke to me.

2992. Do you recollect his speaking to you there?—I am told he did speak to me, from information I have received, although I do not recollect it at the moment.

2993. Were you aware that any drink was being given at the Wellington?—Certainly not.

2994. Did you authorise it in any way?—No.

2995. Did you authorise anybody to give breakfasts?—No; I cautioned persons, every body I saw, against it.

2996. Has it been the custom, at Maldon, for employers to give their labourers breakfasts on the morning of an election?—They have often done so; I do not know that it is the custom.

2997. Did you caution people against it?—I did.

2998. Do you recollect any one that you cautioned?—Yes.

2999. Mention any one?—I heard that Mr. Henry Dixon, of Rivenhall, a friend of Mr. Western's, was likely to give a breakfast, and I wrote to him, urging him not to do so.

3000. Do you recollect cautioning anyone else?—Without addressing myself to any one in particular, I recollect cautioning persons. I am not sure whether I addressed myself to individuals, but I spoke of the subject to persons who were about; farmers. Whether I addressed myself to one person or another, I do not know; perhaps I shall think presently whether I did or not. Oh, Mr. Butler, of Witham, I recollect cautioning. I must have told a great many others, but I do not recollect their names now.

3001. We have heard of the employment of conductors at the election?—Yes.

3002. Is that a known name at Maldon?—Well known.

3003. What is their duty?—Their duty is to go and fetch voters up to the poll; they are generally appointed for their strength.

3004. On this occasion, were you aware that some prizefighters had been brought there?—I was.

3005. How many conductors did you appoint?—If you will hand me Mr. Western's accounts, I will tell you; I think about ten or a dozen; I should think not more; I do not think more than one conductor to one prize-fighter.

3006. By the *Committee.*] Had you any prize-fighters?—I never had; the Conservatives had the prize-fighters continually.

3007. Were the conductors voters?—They were not voters; they were appointed for their strength and muscle to get people up to the poll.

3008. Mr.

3008. Mr. *Phinn.*] When did you appoint Allen first; when did you employ him for the purposes of the election?—I shall be able to answer the question better, if I have the election accounts. I think about a fortnight before the election.

3009. For what purpose was he then appointed?—To watch.

3010. To watch what?—To see whether there was any bribery or treating likely to be going on at the different public-houses. I did that in consequence of what is in this book.

3011. What instructions did you give him?—I told him to do nothing but watch; he was to have nothing to do with the freemen, not to treat them nor to canvass them; to have nothing to do with them, merely to watch, and sit or stand there if anybody came in, and not to be ordered out.

3012. Did you supply him with any money besides the 7*s.* 6*d.* a day?—No; I thought that was a sufficient safeguard, the amount.

3013. Did you authorise him at any time to treat anybody?—Certainly not.

3014. On the day of the election, you say his business was to bring up voters?—Not only that; he had one special matter to attend to; he had first of all to go about seven miles out of the town after a freeman, and the remainder of the day he was employed in that way; he went about seven miles, I think, first of all, out of the town.

3015. My learned friend called Mr. Lansdell's attention yesterday to the heading of a bill; have you got the bill?—I have the bill, and here is the cheque you wanted.

3016. That is the coal cheque?—Yes; this is the bill (*producing the same*).

3017. Did you give him any instructions as to that bill, that is, Lansdell's bill; did you give him any instructions as to the bill?—Not till after he had made it out. I objected to it then.

3018. What objection did you make to it then?—He had a number of names here, which names I would not recognise.

3019. Did you tell him why?—I told him I recognised nobody but myself, and I would not allow anybody's name to be put into the bill, and other objections I had; there was one item which he struck out altogether.

3020. What was that?—An omnibus to somewhere, 5*s.*; that was struck out because it had been charged before by Mr. Blanchflower. I disputed it, and he gave way; he said perhaps it might; then he wished also to make a further charge to me; he said we had spent nothing at his house, and he wished to make another charge for the use of the room, fire, and lights, 1 *l.* I told him I could not pay it without it was put down in writing.

3021. Did you ever tamper with the election accounts?—Certainly not; there is never a figure, or a word, or a letter altered after the bills have been paid; after a bill has been paid, there never has been a figure altered, or a word, or a letter.

3022. But you objected, as I understood, to the names, as having no committee, and giving no authority to anybody to do anything?—Yes; I thought I had a right to have them altered as much as I pleased, before they were paid.

3023. Is Mr. Lansdell's house the King's Head?—It was; he has since taken the Conservative house, the Blue Boar.

3024. The Blue Boar is a Conservative house, is it not?—Yes.

3025. I see your total expenses are 422 *l.*?—Yes.

3026. And that includes your fee of 100 guineas?—It does. I think the election audit is estimated there too; I think it is; we could not, of course, take it exactly, but it is estimated.

3027. I see horse-hire is 88 *l.*?—Yes.

3028. Is that for bringing the voters from the remoter villages, and so on?—Yes, and a little for private use.

3029. For the canvass?—During the canvass; perhaps about 10 days; as soon as I knew there was to be an election.

3030. I see the printer's and stationer's bill is 40 *l.*?—Yes.

3031. And then the share of the returning officers is 55 *l.* 3 *s.* 4 *d.*?—Yes.

3032. I believe the gentlemen on the other side acted together, did they not; Mr. Moore and Mr. Peacocke?—Yes.

3033. Are their accounts equal to yours?—Each of theirs is about equal to ours.

3034. Then the aggregate is double?—It is exactly about that.

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3035. Had you attended carefully to the revision?—I did particularly last year.

3036. Did you effect a considerable change as to the revision?—I had a clear gain of 70 at the last registration.

3037. I think Mr. Western polled 427?—May be so.

3038. I will ask you, did or did not that correspond to your canvass?—It corresponded to a written report that I made to Mr. Western only three or four days before, within two or three votes; the majority was within one or two, I think.

3039. The anticipated majority was within one, I think?—Yes. The way in which I made my report to Mr. Western was, taking the two Conservatives as equal. I wrote to Mr. Western that he would be 40 at the head of each of them; but if one got nearer to him, the other would be further off; the worst that could happen would be their being exactly equal.

3040. We have heard something of the expenses of a voter from Ipswich, 15 *s.*?—Yes.

3041. Have you paid that?—No.

3042. Are you aware that it has been paid?—I did not know till a day or two ago that it had been paid.

3143. Had any application been made to you for the payment of travelling expenses?—It had been mentioned to me.

3144. Who by?—Mr. Henry May had mentioned it to me.

3045. Did you sanction the payment?—No.

3046. Why not?—I told him, as I told everybody else, that it depended upon the result of the decision of "Cooper and Slade," in the House of Lords; that I would not pay till that was decided.

Cross-examined by Mr. *Slade*.

3047. He has been paid, you say?—I hear he has; I heard of it a day or two ago in this room, and I heard it a few days before. I thought, myself, it had not been paid when Mr. Henry May mentioned it to me.

3048. It is not returned to the auditor?—No.

3049. There is no return of it?—Certainly not; I should not return any bill that was not sent to me within a month after the election; I have a decided objection to recognise any bill not sent to me within a month after the election; I have not taken any in this.

3050. Was any bill sent in from the Wellington?—No, it has not been at all sent in; I have seen an entry of it; I will tell you all about it.

3051. You have seen an entry of it?—Yes; you will hear all about it

3052. Have you seen an entry of it?—Yes.

3053. By the *Committee.*] Did you say you had seen the bill, or what?—I have seen, within a week or ten days ago; I have seen an account of it.

3054. An account of it, or the account itself?—I have seen the account itself.

3055. Mr. *Slade.*] At the Wellington; what does it amount to?—It is not carried out.

3056. Did you see it yourself?—It is here, you can see it.

3057. As the agent for the election expenses, although it is not carried out, you were not satisfied without ascertaining what the amount was?—It has never been handed to me in that character.

3058. Do you mean to represent that you do not know what the amount is?—I do not.

3059. Not within a pound or two?—I do.

3060. Tell us within a pound or two?—My impression is, that it is between four and five pounds.

3061. Shall we see the account?—If you wish it.

3062. Who has got it?—The landlord, or his wife; they are both here.

3063. Are you going to call them?—The husband came up upon your warrant.

3064. If you are going to produce the account, I will not ask any more about it?—I have no objection to that.

3065. Have you been what is called, "On the yellow side" ever since you have been in practice at Maldon?—Yes.

3066. Mr. Leonard, I believe, who died in June or May last, had been a candidate at many elections?—At many elections.

3067. And you had been his agent?—Yes.

3068. He was an unsuccessful candidate, I believe?—On two occasions, I think, he was unsuccessful.

3069. What property has Mr. Western got at Tollesbury?—In the village of Tollesbury?

3070. Yes?—I am not aware that he has any; he has in the neighbourhood.

3071. How far off?—I should think four or five miles; but Mr. Western will tell you that better.

3072. You are not Mr. Western's private solicitor?—No.

3073. You are only his solicitor, I may call it his Parliamentary solicitor, at Maldon?—Exactly so.

3074. Had you ever been employed by Mr. Western before to distribute coals?—No.

Mr. *Phinn* submitted that the Committee had already determined that the coal case should not be further gone into.

Mr. *Slade* contended that he had a right to go into it.

The *Chairman* stated, that the cheque being put in, the parties must leave the Committee to draw their own inference from the facts already before them.

Mr. *Phinn* stated, that if there was any inference to be drawn he must have an opportunity of going further into it.

3075. Mr. *Slade.*] Did Mr. Leonard ever distribute coals at Tollesbury?—I do not know that he ever distributed them at all.

3076. Did he ever countenance the distribution of coals, or pay for the distribution of coals?—I do not think he did.

3077. You would know if he had?—I think I should.

3078. Did you ever know of any other party a candidate for the representation of Maldon who distributed coals, or ordered them to be distributed in Tollesbury?—Yes.

3079. Who is that?—Mr. Mechi.

3080. Is he a liberal candidate?—Yes.

3081. He is one of the yellows?—He did not come forward at the election; but he had intimated an intention to come forward.

3082. And then after the intimation down came the coals?—Long before then, I think. He gives them nearly annually, and has done for years.

3083. Has he got any property near there?—Near there; I do not know that he has, a little nearer perhaps than Mr. Western, perhaps within two or three miles, or three or four.

3084. Does he still continue to give coals?—I think he does.

3085. Is not he the overseer of Tollesbury?—No, it is not likely; he is the sheriff here.

3086. You say your son conducted the canvass with Mr. Western?—Yes.

3087. Is that the election auditor?—Yes.

3088. How often has he been election auditor since the passing of the Act?—Always.

3089. Has he always taken an active part in politics, although he was the election auditor?—Always; both for the county and the borough, and the municipal elections.

3090. Was he election auditor when Mr. Peacocke was returned in 1854?—Yes, and they expressed their perfect satisfaction with all the arrangements, the conservatives did, with the manner in which the accounts were kept in particular; there was not the slightest dissatisfaction.

3091. Were you the agent for election expenses in 1854?—Yes.

3092. Who was the unsuccessful candidate then?—Mr. Leonard.

3093. Did you adopt the same course as you appear to have adopted now, of striking out all names in the accounts?—I struck no names out of the accounts; I do not know what you mean; I appeal to the Committee.

3094. Yes, you do?—I do not.

3095. Did you adopt the same course as you have done now, by desiring the

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names to be struck out of the accounts?—I never desired any names to be struck out of the accounts.

3096. Take that in your hand (*handing a paper to the Witness*), by whose orders were those names struck out?—That never went to the election auditor.

3097. I do not say it did; I call that an account, and I call that a name struck out?—You said the accounts; I call them the election accounts.

3098. Did you, on the occasion of Mr. Leonard's standing in 1854, refuse to send in any account to the auditor which had names apparent upon the face of them?—I do not recollect.

3099. Which was the first time?—I should require some looking back, to see whether I have done so or not.

3100. Is this the first time, to the best of your recollection?—I do not think it is likely it is the first time. I do not think anything was ever struck out of an account before. I think probably they may have charged too much, or have charged too little; and I may have said, "You must make out a fresh bill."

3101. That is another thing altogether?—That is what I mean.

3102. Were there any other bills besides the bill of Lansdell's made out without the names that were first mentioned to you?—I think not.

3103. That was the only one?—I think it was.

3104. Were your orders to the tradesmen employed not to have the names in the bills?—No.

3105. Will you tell the Committee what was the reason for not liking to have the names appearing upon the accounts sent to the auditor?—Decidedly; I did not wish to recognise any names; I would not allow a name to be put in.

3106. Why?—I thought it was not proper; I did not like to be mixed up with any names. I did not know whose name he might put in.

3107. Do you mean that for an answer?—Yes.

3108. Do you mean to represent that a respectable tradesman like Mr. Lansdell might put in the names of parties who did not have it?—I objected to it when he presented the bill; I said, You ought not to put in any name here.

3109. I suppose you are aware that everybody has got access to the accounts when they come before the auditor?—Yes.

3110. Is not that the reason why you objected to the names?—Yes, and a very good reason; there are two other objections to the account besides those; one is an item I had struck out, and another an item inserted.

3111. By the *Committee.*] Did you ask for a fresh bill?—I asked for a fresh bill.

3112. Without any names in it?—Without any names, and with the other alterations, namely, the pound charged for the additional item for room fires and lights, and the other item erased.

3113. Mr. *Slade.*] You asked for another account without any names with the charge of 5*s.* expunged and the charge of the pound inserted?—Yes.

3114. And therefore the bill stood as against you, and as recognised, 37*l.* 17*s.* as against 37*l.* 2*s.*, as the man's charge originally was?—Exactly.

3115. The man's claim against Mr. Western, was 37*l.* 2*s.*?—It was; he made a verbal claim for the pound, but I would not pay it unless it was in writing.

3116. I understand you that he complained that nothing had been spent in his house, and that he ought to have a pound for the use of his room?—Yes.

3117. Which he had not charged?—Which he had not charged; I said it must be in writing.

3118. I see "a saddle horse, Mr. Digby," is that your son?—No doubt of it.

3119. "Ten shillings and sixpence," is that the auditor?—I should think it was; allow me to see—(*the Witness inspected the same*)—he does not often ride, but whether he rode or not I do not know; I should think it is rather doubtful; it may be him.

3120. Is there any other Mr. Digby?—He might have it, and let somebody else have the use of it; he does not often ride upon horseback, which makes me rather doubt whether it was he; he will tell you if it was.

3121. What was the objection to your son's name being in?—None in particular.

3122. Warriker; I see Mr. Warriker has a horse and gig four times?—Very likely.

3123. Who was Mr. Warriker?—Mr. Warriker is a harness maker at Maldon.

3124. What was he employed as?—Not at all; not for pay; he might assist; he is not a person that would be paid for his services, I should say; if he rendered

dered any services they would be gratuitous; he would not be paid for them; it is not likely, I think, I do not see such a name.

3125. Is this Mr. W. G. Warriker?—I think his name is Henry George, I am not certain; Henry George, I think.

3126. Was Mr. Warriker paid 5 *l.* for travelling expenses?—Whereabouts?

3127. Here, under the summary of the account; I see it is No. 66?—I think he lets horses himself. No. 66; there is nothing for services there, I think; I will read you the bill. "Horse for a day, 10 *s.*; ditto, and chaise to Tollesbury, 9 *s.*; ditto, and chaise to Turling, 8 *s.*," and so on; it is a bill for horse hire; he lets horses.

3128. Is that the same man who is down here, whose name you have had struck out; is that the same man who appears to have hired a horse and gig from Lansdell?—Very likely; perhaps he had not got enough horses; I think it is very likely; it is natural it should be so.

3129. What was Warriker's duty?—I should suppose he wanted another horse; he had not horses enough of his own, I suppose, and he wanted one from Mr. Lansdell.

3130. What was his duty as far as the election was concerned?—None; he lets horses; he takes out a license to let horses and gigs.

3131. But he hired a horse here?—I say, I suppose he had not got horses enough, and he goes to Lansdell and gets one, I expect.

3132. That is the way it is explained, is it?—No doubt of it; I have not the slightest doubt that is the true explanation of it.

3133. He was not employed as a canvasser?—No; if he canvassed his friends, it was gratuitous; I do not think he did.

3134. Was he employed to bring up voters?—Certainly not; though, as somebody must drive the horse, I cannot say whether his man did, or who might be the driver; either he or his servant, probably.

3135. You say Mr. Riley was not employed in any way?—Certainly not.

3136. Was he paid?—No; he is a man in a different position in life to that.

3137. Did he appear in the committee-room?—I was informed, but I have not any precise recollection of it, but I was informed, and have reason to believe, that he was there once, and once only.

3138. You say there was no committee?—I do say so.

3139. Was there any committee-room?—No.

3140. Was not the sum of 12 *l.* paid to Mr. Spurgeon for the hire of committee-rooms?—They might be called committee-rooms; they were not committee-rooms; they will, you know, call them committee-rooms; very likely they did; I dare say they did; people will call them committee-rooms, they were hired for the purposes of the election; you may call them committee-rooms, or whatever you please.

3141. That is the way you manage in Maldon, to take care never to have a committee?—I had not any committee the last election or two.

3142. Not since the passing of the Corrupt Practices Act?—Certainly not.

3143. Then it is all concentred in you?—Yes.

3144. Did any gentlemen come there?—Yes; I should think 100 to 200, from first to last, came in; almost everybody throughout the town, and throughout the seven miles.

3145. Was all the work done by yourself?—No; I had, I think, about eight or ten clerks.

3146. To do the usual duty of committee-men?—I must ask you what you consider the usual duty of committee-men. I should say not; my opinion is not. I will tell you the duties of the clerks, if you like.

3147. I want to see how this large district of many miles was managed without a committee?—It was.

3148. Though you may not call it a committee, yet it may be substantially the same thing?—It was not in this instance; because no one had any authority but myself.

3149. No more would anybody on a committee?—Oh, yes, they would.

3150. Has everybody got co-ordinate authority upon a committee?—A committee are generally supposed to be authorised; it used to be so in former times; we used to consider a committee-man had authority, if he was appointed upon a committee, to incur expenses; it used to be so, I know; but, however, that is a question of law.

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3151. By the *Committee.*] Do you state to the Committee that Mr. Riley was a volunteer?—No doubt he was.

3152. Did he act without directions from any one?—No doubt of it.

3153. What is his connexion with Mr. Western; does he live under him?—No, nothing at all.

3154. He is not a tenant of his?—Not at all; he has always taken an interest in the elections.

3155. He belonged to your party?—Yes.

3156. And he did this without any instructions from you?—Yes.

3157. Did he make any report to the committee-room of what he had done?—No.

3158. Mr. *Slade.*] Has he always taken the management of that district?—Partly.

3159. Who is the other party then?—Old Mr. Pledger, when he was better, Mr. Jeremiah Pledger, and Mr. Jeremiah Pledger, junior, used to take the management of Little Baddow, but however he has taken very little part lately.

3160. Substantially, has not Mr. Riley of late years taken the management of that district?—No, not at this election.

3161. Not at this election?—No, he did not.

3162. At the last election, the election of 1854?—He did; he was very active then.

3163. And he took substantially the management?—More than he did at this election.

3164. Who took it at this election in that district except Mr. Riley, then?—There was no particular management, but all the farmers in the neighbourhood; I think we had rather more farmers upon our side this last election than we had before; there were the two Mr. Pledgers.

3165. Can you tell me anybody except Mr. Riley?—I say the two Messrs. Pledger.

3166. You just now said they had given it up?—No, I did not.

3167. You said one was ill?—One of them is ill; the other was very active, no doubt, about it.

3168. Give me the names of anybody who was anything like as active as Mr. Riley in this Little Baddow district at this last election?—Mr. Pledger was much more so; Mr. Riley never canvassed with us, never asked for a vote, that I know of, and never was with Mr. Western, that I know of, and I do not think he ever went upon the canvass even.

3169. Did Mr. Pledger give you any return?—No; he did not give me any express return, but I will tell you what he did. Whenever I saw a farmer come in, I would ask him a few questions, to see whether my estimate was correct, and take his report.

3170. Took Mr. Pledger's report?—Yes, or anybody I should see from the parish.

3171. Or Mr. Riley?—Yes, Mr. Riley, if he happened to come in; I should ask, no doubt, anybody from the parish; I was constantly doing it.

3172. By the *Committee.*] Did Mr. Riley make any report to you upon the canvass of the parish of Little Baddow and Woodham-Walter?—I do not think he did.

3173. Had you any report from him of any proceedings of any sort?—None.

3174. Had you any report of the canvass of those two parishes from any person?—Yes; my son went round them, and I took his report of them when he came home; but if any one came into the room that I saw was from the district, I checked the report over and over and over; I checked it 20 times perhaps.

3175. Will you tell us how often Mr. Riley came to that committee-room, or to the room you used as such?—I am confident he never came more than once; I do not recollect that circumstance, but I have been informed he did, and I have reason to believe he did come once, although I do not quite recollect the occurrence, but I have been told he did, and reminded of a conversation he had.

3176. If it has been stated to this Committee that he was very often there, that is not true?—That is not true, certainly.

3177. Mr. *Slade.*] Were you there all day?—Nobody came till seven or eight in the evening, and probably remained till ten or twelve, that was about the thing.

3178. How far is your own residence from that committee-room?—Half a quarter of a mile, perhaps.

3179. What time of day used you to go to the committee-room?—About six or seven; I came in about that time.

3180. That is the time you went down?—Yes; and if he was there in the day he would see no one; there was nothing going on.

3181. The rooms were not open in the day then, were they?—There was no business doing.

3182. By the *Committee.*] Was there anybody there during the day?—There was the door-keeper taking care of the door.

3183. Was there a clerk there?—Yes.

3184. All day?—Yes.

3185. But that is more than a door-keeper; was there more than one clerk there?—I think, during the last day or two as the election approached very near, there might be nearly the whole day.

3186. Mr. *Slade.*] There might be what?—A clerk or two during the whole day when it came very near the election.

3187. Or more than two, perhaps?—I should think not till the day, but two before the election.

3188. That is the time when it becomes most important; on the nomination day how many clerks were there all day there?—I dare say half-a-dozen.

3189. Then what did you mean by telling us about the door-keeper, if there were also clerks there during the day?—I was alluding to when the rooms were first taken, and when I went there about seven or eight in the evening.

3190. The day before the nomination day, how many clerks were there?—I dare say there were three or four.

3191. All day?—The accounts will tell me better; I will look to the accounts.

3192. But I do not like to be put off with the door-keeper; your answer was, when I asked if he came in the day, you could not say there was nobody there but the door-keeper?—I meant that they could not expect to see me there, there was no inquiry going on there; no talking about the election and their prospects, and so on.

3193. Turn to your account and see how many clerks were employed in that committee-room, and how many days they were employed and paid?—The first I come to is William Catty, he is only one day, I see; here is a person employed six days, one Frederick Jones employed six days.

3194. I find there are ten called clerks and assistants, or poll-clerks?—One I have was employed one day, and one six days.

3195. Which was the one employed one day?—William Catty, number 22.

3196. He appears as a messenger; I am talking of clerks and assistants?—That is William Cottis; that is a different person altogether; this is William Catty; you will find the account at the bottom of the page, one guinea.

3197. He is a check clerk?—No, he is not a check clerk, begging your pardon, it is "office checking the poll," that is, as they come into the room.

3198. What do you mean by checking the poll?—As it came into the room; that is not a check clerk; check clerks are expressly mentioned as check clerks.

3199. Mr. Blanchflower, how long was he employed; what was his duty?—His duty was to take care of the horses. I wanted to get rid of all care and trouble about the horses, and I employed Mr. Blanchflower to take care of the horses, and to let anybody have a horse that wanted it, that he approved of.

3200. Then you did give him some authority?—He is the only person that I did. I hired first of all, all the horses I could get myself in Maldon.

3201. You swept Maldon of all the horses?—All that were to be had; and then I sent into Chelmsford and Kelvedon, and other places, to get more, and to bring them to Maldon; and then I put them under his charge.

3202. Was anybody that wanted a horse to have it?—Anybody that he thought was proper.

3203. Anybody that wanted it?—Anybody that he thought proper.

3204. Mr. Blanchflower, at any rate, had authority?—He had that authority; that is the only thing I gave to him, the management of the horses, and the management of the vehicles.

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3205. By the *Committee.*] He was the master of the horse?—He was the master of the horse. I wanted to get rid of the trouble of it, and I employed him to take care entirely of the horses.

3206. Mr. *Slade.*] How long was he employed?—Number 65; the first item is journey to Chelmsford, that was to hire horses. I see "own time," at the end, three days.

3207. Then he was only employed for three days, is that so?—Only employed for three days; at any rate, he only charged me three days.

3206. His duty would be at the committee-room?—His duty would be at what you call the committee-room.

3209. The man Spurgeon, was he in the committee-room?—He was.

3210. How many days was he employed?—I am not sure that he was employed, that he did not volunteer; I think he charged nothing.

3211. I want to know how long he was employed in the committee-room?

The *Chairman* stated that the Committee did not think it necessary to go into all these details of the accounts.

3212. How about Baxter?—He was not employed.

3213. How long?—What do you mean by how about him?

3214. Here is his name down here in Mr. Lansdell's bill?—Yes.

3215. You paid for the horse and gig which he had?—Yes.

3216. If Baxter was not employed how came you to pay for the horse and gig which he had; that is the name you know that you desired to be struck out?—Yes.

3217. If you paid for the horse and gig he had, how came he not to be employed?—He was a volunteer, no doubt; I do not suppose he would think of charging for his time; you said employed; I want to know the meaning of that expression.

3218. Could anybody have got a horse and gig at the expense of Mr. Western that day?—Not everybody.

3219. What was the check upon Mr. Baxter?—This is long before the election; I do not suppose I employed Mr. Blanchflower until a day or two before the election; I see this Mr. Baxter is the 13th of March; that is a fortnight before the election; that is another matter quite.

3220. You sent that in to the election auditor as part of the election expenses; that bill is sent in to you, and Baxter's name is put down, as a man who had had a horse and gig more than once?—I do not suppose Mr. Baxter had it alone; probably Mr. French went with him. I do not suppose Mr. Baxter was concerned in that more than Mr. French.

3221. I read a name here which appears to be Butler for Baxter; you sent it in to the election auditor as an election expense?—I did.

3222. I ask you, could anybody have gone and hired a horse and gig at Mr. Western's expense at Mr. Lansdell's?—Anybody could not.

3223. How came Baxter to do so if he was not employed?—He was not employed.

3224. How could he go and hire a horse and gig at Mr. Western's expense; explain it, will you; you do not recognise Baxter; how came you to pay his bill?—I do not know what the facts are, but it is possible he may have come and asked whether he might have a horse and gig; I do not recollect, it is possible he might, to me or to my son. He might have come and asked whether he might have one, or Mr. French.

3225. Did you ascertain before you paid the bill, or authorised it to be paid; did you ascertain whether the parties whose names were down as taking the horses and gigs were authorised by anybody to do so?—I think I was about five minutes going through the bill with Lansdell; you ask if I took means to ascertain; I tell you the means I took.

3226. I ask you if you did ascertain?—I did not go and ask Mr. Baxter that; I took Mr. Lansdell's word that Mr. Baxter had it.

3227. The question I ask is, had Baxter authority to get it?—I cannot recollect whether he came to me to ask expressly for authority, or whether he asked my son, or whether he went without, I cannot say.

3228. By the *Committee.*] Then you had better say you knew nothing about it?—That is it.

3229. Mr. *Slade.*] Is that answer applicable to all the other names that have been struck out?—No, I could not say that it is applicable to Mr. Blanchflower; I see "Horse, one day, self;" Mr. Western, no doubt, had that.

3230. You told me Mr. Blanchflower was the master of the horse?—He was master of three pair of horses and carriages one day; he had the management of them; three pair of horses and carriages; he had not the management of those other items, but that three pair of horses and carriages; he was to see that they were fairly worked; that each horse did its work and no more.

3231. Does the same observation, that you know nothing about it, apply to all the other names struck through with the pen?—I would not say I know nothing about it, but very little about it.

3232. You know nothing about Baxter; you told the Chairman so; show me any other person that has any authority?—I see Mr. G. E. Digby is mentioned twice.

3233. That is your son?—That is my son. Then I see "self" is named, which I presume alludes to Mr. Western.

3234. Had your son any authority in the election?—I expressly recollect his sending for three pair of horses and carriages; I think the probability is that he went himself for the three pair of horses.

3235. You say nobody had any authority but yourself in the election; did you give your son any authority to hire horses?—I will not say I should tell him "I authorise you to hire horses;" I do not suppose I used such an expression as that; no doubt it was implied.

3236. Then some persons had implied authority to act?—My son would be presumed to have authority; he lives with me.

3237. I ask you had your son any authority express or implied from you to order horses at Mr. Western's expense?—I should say he had an implied one.

3238. Had Mr. Baxter any authority, express or implied, to order horses from Mr. Lansdell, at Mr. Western's expense?—I should think not; certainly not though.

3239. And yet you paid his bill?—I might do so; yes, I did, I suppose.

3240. Having desired Mr. Lansdell to strike his pen through his name, and furnish an account without any names to the election auditor, or through you, to the auditor?—To send in the bill to me.

3241. For you to lay before your son the auditor?—Exactly.

3241. That that bill should be sent for the inspection of the public and not this?—(*No answer.*)

3243. By the *Committee.*] Is this Blanchflower a clerk of your's?—No; he now keeps the King's Head Inn.

3244. Did you employ him to manage the horse department?—Yes.

3245. You stated that he had only the management of three pairs of horses?—He only had the charge of three pairs of horses from Lansdell's; he had the charge of the horses I had from Kelvedon and Chelmsford, and horses and gigs probably from other places in the town.

3246. For which you paid him 7 *l.* 17 *s.* by this account?—I gave him 3 *l.* for his trouble.

3247. How came he to be charging 7 *l.* 17 *s.* in this account?—That is the total; it is only five or six items; one is the journey to Chelmsford, and one is hay and straw for ten horses, 15 *s.* 6 *d.*; refreshment to seven post lads, 14 *s.*

3248. Then it is all money out of pocket, except 3 *l.*?—Yes.

3249. Mr. *Slade.*] Had Mr. Warriker any express or implied authority from you to order horses or carriages at Mr. Western's expense?—No.

3250. Yet I see he is down here for several?—I suppose some explanation was given to me before I paid the bill for it; he is a letter of horses himself.

3251. "Four times;" you paid that bill?—I do not suppose he did hire them.

3252. Who did? He had that implied authority at any rate?—I do not know that he had authority; I should not dispute it when it came for payment.

3253. Are you sure you did not pay Warriker as well as Lansdell?—I am certain of it.

3254. Quite certain?—Quite certain; Warriker is a man above that.

3255. Do you know a woman of the name of Maria Ward?—Very well.

3256. There was a breakfast, we are told, at Mr. Henry May's?—No.

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3257. You do not know that?—I never heard of it; I do not think there ever was.

3258. Edward May then?—No.

3259. Alfred May?—I think there was a breakfast at the bailiff's of Mr. Alfred May at the Off-hand Farm, four or five miles from the residence of Mr. May; that is all I have heard, but that is quite hearsay.

3260. Had you any conversation with Maria Ward about that?—Yes.

3261. What was it?—She came to me about some legal matter; she wanted her son bound apprentice; I think that is how she came to come to me.

3262. Did you say anything to her about her husband, and the breakfast?—Yes; she did to me first.

3263. Did you ask her whether her husband had been to a breakfast?—No; I think she told me he had.

3264. Are you sure you did not ask it?—I think I may say I am quite sure of that.

3265. Then how did she introduce it?—I think she told me some people had been making inquiries about a breakfast.

3266. At Mr. May's?—Not at Mr. May's.

3267. Where then?—At Mr. Clark's, who was bailiff of the Off-hand Farm, four miles from Mr. May's.

3268. What did you say to her when she told you inquiries had been making?—She told me her husband had been there.

3269. Did you ask who ordered the breakfast?—No.

3270. How did you hear about Mr. Clark?—I had taken Mr. Clark's statement down.

3271. That the breakfast was given there?—That he gave a breakfast at his own expense to Mr. May's men without Mr. May's knowledge; that is what he told me; Mr. May resides four miles off; that is exactly what he told me. I asked him whether he was to be repaid, or whether they were Mr. May's provisions, and he said, "No, not the slightest." That is what he told me; I give you his own words.

3272. By the *Committee.*] Is he here?—No.

3273. He is not summoned?—He is not summoned, that I am aware of; I am not sure whether he had a warrant to attend upon the other side; the men, I understand, had a warrant; some of them.

3274. Mr. *Slade.*] Did not you tell Maria Ward to this effect, that if any one asked her about this breakfast, she was neither to say or to take any notice about it?—Certainly not.

3275. Nothing of the sort?—Nothing of the kind.

3276. You were present here yesterday when she was examined?—I was; I heard it all.

3277. You were present?—I was.

3278. She was a very hostile witness to those who were examining her?—She thought she had been entrapped by Mr. Cood to signing a paper which she did not understand. It appears that Mr. Cood had got her to sign some paper; that is what I understood.

3279. Did you hear her state in the room, you were here present, that you told her to take no notice, and to say nothing about it?—I do not think she went to that extent.

3280. I will read you her answer: "Tell me what the effect of it was?—I do not know whether it was as this, not to say anything, or not to take any notice."—I said nothing of that kind.

3281. You heard her make that statement?—I did; it was too soon after the election; undoubtedly if she had told me a week or two ago, I should have put her on her guard against Mr. Cood; it so happened I did not at that time; nothing of the kind passed; because I know the practices that have been resorted to to get evidence.

Re-examined by Mr. *Phinn.*

3282. As to the coals, were there some coals given away by the Sitting embers too?—Yes.

3283. There was a crier went round Maldon, I believe, to say that 50 *l.* worth of

of coals were to be given away?—To say they were given by Mr. Peacocke and Mr. Bramley Moore.

3284. Did any of those coals find their way to Tollesbury?—No; that was above five or six miles off.

3285-6. Mr. *Slade.*] It was a general subscription; you subscribed yourself, did you not?—I did; but 50 *l.* was cried expressly alone as the Sitting Members' subscription; the 50 *l.* was cried alone.

3287. You all subscribed?—I did afterwards.

3288. By the *Committee.*] Then the coals were a general matter?—No doubt they were, only they were cried as the Members' coals, 50 *l.*

3289. Who were the members at that time?—Mr. Bramley Moore and Mr. Peacocke.

3290. Did you give any on behalf of your own friends?—I merely gave my own sovereign.

3291. Individually, like all the other townsmen?—Individually, like all the other townsmen.

3292. Mr. *Phinn.*] You have been asked about Mr. Riley; if I understand you, Mr. Riley had taken a part in previous elections?—He had, for Mr. Leonard.

3293. Had you communication with him during his election, written or oral, to your recollection?—No, I think not; I am told he did come.

3294. To your recollection you had no communication with him, either written or oral?—To my recollection.

3295. You have been asked about those different bills; are the details of each bill appended to the Election Auditors' Report?—Yes.

3296. So that my learned friend can go into every item?—Yes; I furnished them with copies on the other side of all the bills.

3297. Now about these clerks; if I understand you aright, the rooms were taken about a fortnight before the election?—I think about that.

3298. I see among the charges several charges for evenings; had you clerks there of an evening?—I had clerks there of an evening more especially.

3299. Every evening?—I think every evening.

3300. When the election came nearer, you had some there of a morning?—Yes.

3301. Do you recollect when the morning attendances began?—I should think wo or three days before the election; perhaps two; certainly not more than hree.

3302. You gave your evenings to the election business, your days being occupied?—Yes.

3303. About this bill—I think you say of between four or five pounds—at the Wellington; has any bill ever been sent in to you?—No.

3304. Has any claim ever been made?—No.

3305. Then under what circumstances is it that you say you saw the bill?—Hearing there was a Speaker's warrant to persons to give evidence about this bill, I sent to the landlord, and asked his account about it a week or ten days ago.

3306. Did you see a bill, or a book?—A book.

3307. You saw his book?—I saw his book.

3308. And is he here with his book?—He is here with his book, or his wife.

3309. Had you heard anything of the treating at the Wellington till you heard of the petition?—No; I heard of the petition long before I heard of the bill.

[The Witness withdrew.

[Adjourned to Monday next, at Eleven o'clock.

Lunæ, 20° *die Julii*, 1857.

The Names of the Members were called over; all present.

SIR JOHN TROLLOPE, BART., IN THE CHAIR.

George Wyatt Digby, Esq., was further Examined by Mr. *James*, as follows:

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3310. I OBSERVE by your evidence, that you swear there was no committee, indeed no committee-room?—I did.

3311. Will you turn to an account of yours, "Western, Esq.," to Spurgeon & Son?—Yes.

3312. No. 60?—I recollect the bill, without referring to it.

3313. Just state, if you please; I presume they are the same Spurgeon & Son of whom you hired the room, for which there is a charge of 12 *l.*; Spurgeon & Son; is that so?—Yes.

3314. Is it the same Spurgeon?—I think so.

3315. Just tell me what this is, "17.8 feet of hat-rail, one dozen of hat-pins and screws," No. 60?—Oh! that is a different Mr. Spurgeon.

3316. Who are they, carpenters?—Yes.

3317. He supplied the 17.8 feet of hat-rail, and one dozen of hat-pins, and screws?—Yes.

3318. What were those hat-pins put up in that room for?—For the use of myself and clerks, and anybody who might come to that room.

3319. How many were put up?—I do not know.

3320. Here it is one dozen charged?—I did not say there was not a dozen; I only know by what I see here.

3321. You see there was a dozen?—No doubt.

3322. How many hats do your clerks wear; three each?—I had more than three clerks.

3323. Will you swear that those 12 hat-pins were put up for your three clerks?—No.

3324. If there was no committee, or no people attending, what were the dozen hat-pins put up for?—I never said there were no people attending.

3325. What were they put up for?—For the persons present, that did attend.

3326. What character of persons did you put up 12 hat-pins for?—Any persons that happened to come to the room.

3327. You put up 12 hat-pins for any persons that happened to come to the room?—Yes; there were a great many more than 12 people attending there at different times.

3328. Do you mean to swear, before this Committee, that those hat-pins were put up for them; will you be kind enough to tell the Committee—and I must put it to you seriously—do you mean to swear, before the Committee, that that dozen of hat-pins with which these rooms were fitted, were for your clerks?—Not solely.

3329. Who were they for if there was no committee?—Any persons that might come.

3330. What, hat-pins to hang their hats up, if they merely came in casually?—Yes.

3331. You swear that?—Yes.

3332. That if they did not come in and sit down to business, and attend to business regularly, all those hat-pins were for their hats?—Many people came in without business.

3333. What to do?—To inquire how we were going on.

3334. The hat-pins were put up for them?—Many people came; there was Mr. Western and his father, and many others during the election.

3335. But this is as early as the 17th of March?—The 17th of March was when they were put up; I should tell you that these hat-pins were put up not only

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only for Mr. Western, but for Mr. Wingfield; for the county election the same room was used.

3336. But this business was limited to the borough election only?—Yes.

3337. Do you mean to tell the Committee that these hat-pins were put up for the conduct of the county business?—As much as for the borough.

3338. Did you give the order for them?—Yes.

3339. How is it that they are charged to Mr. Western if they were for the county?—A certain portion of the rooms is charged in Mr. Wingfield's account.

3340. And the hat-pins?—I am not sure that the hat-pins were divided; if they were, you will find the charge in Mr. Wingfield's account, where part of these very expenses are given; it is very likely you will.

3341. Do you mean to swear that before the Committee?—I will not swear as to the hat-pins; as to the room I will. I cannot speak as to the hat-pins.

3342. Upon your oath, were not the hat-pins all put up for persons who attended to the business of the borough election?—Undoubtedly they were, on the business of the borough, as well as the county.

Cross-examined by Mr. *Phinn*.

3343. Whether the clerks, or the other persons, were there as many as a dozen people there occasionally?—Certainly; myself and Mr. Western, and strangers attended at times; quite as many as a dozen.

3344. By the *Committee*.] As to Mr. Riley, was he a man of substance and respectability?—He is a man who has perhaps a trade of 300 *l.* or 400 *l.* a year. He is a flour-miller, a water-miller, and a wind-miller: I should say his business is 400 *l.* or 500 *l.* a year.

3345. Has he always been of your party in politics?—Always; borough and county always.

3346. Has he been regarded as an influential member of your party?—More so during the free-trade discussion; he was a staunch free trader.

3347. He has always been of your party?—No doubt.

[The Witness withdrew.

Mr. *John Payne* was called in; and, having been sworn, was Examined by Mr. *Phinn* as follows:

Mr. *John Payne*.

3348. ARE you the mayor of the borough of Maldon for the present year?—Yes.

3349. Were you appointed in November?—In November.

3350. You made no appointment of election auditor?—No.

3351. Did you give any authority for any entertainment at the borough election?—None.

3352. Are you aware that any was given by any of your servants?—Not until recently.

3353. We are told that some was given at your house in the town?—No, not in the town; at Tottam, where I reside, four miles away from the town.

3354. Was Collins in your employment?—Yes.

3355. Were you aware, after the election, that your servants had given him something to eat and drink at your house?—I was told so.

3356. Were you aware that it was going to be done?—No, I was not.

3357. There were four of your farm servants, I believe, who had votes?—Yes.

Cross-examined by Mr. *Slade*.

3358. I suppose you took an active part in the election?—I did not.

3359. Were you never in Mr. Western's committee-room?—I was in Mr. Western's committee-room three or four times, for the purpose of seeing Mr. Digby, who is our town clerk, on the business of the election, the borough business. I never interfered in the election; I never canvassed a vote, not even my own sons, or my own servants.

3360. By the *Committee*.] It was stated to us, that your servants at your outlying farm were canvassed in your name?—I do not know anything about that.

3361. Mr. *Slade*.] Did your bailiff bring up any voters to vote?—My looker lent the horse and cart to the four men to come up with.

3362. You did not lend anything yourself?—I did not; my looker did; a horse and cart to come up with.

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3363. Mr. *Slade.*] I suppose you did not complain of it?—No.

3364. It was done with your consent?—No.

3365. But subsequently you did not complain of it?—I did not; I should do the same thing if the election took place to-morrow.

3366. Did your son second Mr. Western?—He did.

3367. You live at this outlying farm yourself, do not you?—Yes.

3368. Was it from that farm that the men were taken up by your looker?—Yes, from that farm; because two of the men lived near the house, and where those other two reside is a mile from it, and they came round there to take those old men up.

3369. By the *Committee.*] You did not direct those men to be canvassed by your son, or any other person?—No; I do not believe they were canvassed by my son.

3370. Were they canvassed by your looker?—No; I have asked my looker, and he says he has never asked them.

3371. What is your looker's name?—Thomas Springet.

[The Witness withdrew.

Mrs. *Rebecca Wright* was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Mrs. *Rebecca Wright.*

3372. I BELIEVE your husband keeps the Wellington Inn, at Maldon?—Yes.

3373. Do you manage it for him?—Yes.

3374. And take orders?—Yes.

3375. And supply the victuals and drink?—Yes.

3376. Did you do so at the election time?—Yes.

3377. Do you recollect Mr. Riley coming to your house on the evening of the nomination day?—Yes.

3378. What did he come for?—He asked me if I could provide him a room for a party that he should bring next day, and supply them with what they required.

3379. By the *Committee.*] What day was that?—The evening of the nomination.

3380. Mr. *Welsby.*] Did you accordingly provide the room for the party he should bring in the next day?—Yes, the election day.

3381. Did he say what was to be done with them; what they were to have?—No.

3382. Was that all that passed then; did he say anything more then?—No.

3383. Did you provide a room accordingly?—Yes.

3384. Who came to it?—He brought a party; I do not know exactly the number; neither do I know who they were.

3385. About how many?—I should suppose about two or three and twenty; there were men, women, and children; I do not know exactly the number.

3386. Were they all Maldon people?—No.

3387. What did they have?—They had some plates of meat; I sent in plates of meat and bread, and jugs of ale, agreeable to Mr. Riley's order.

3388. Upon Mr. Riley's orders?—Yes.

3389. Were they the same persons during the day, or were there more persons coming in and out?—There were no other persons coming in and out that had any provision for Mr. Riley.

3390. It was the same party; was it continued?—The whole of the day.

3391. How much did your bill for what was supplied to that party of Riley's come to?—Just about 5 *l.*; I do not know exactly to a shilling or two.

3392. Did any other persons have any refreshment at your house that day without paying for it, except Riley's party?—No.

3393. About how much do you think you took in ready money that day for beer and victuals?—Somewhere about 16 *l.* or 17 *l.*, somewhere about that; I do not know exactly.

3394. Paid for at the time by those who had it?—Yes.

3395. Was that an extraordinary amount?—No.

3396. On fair days, do you take as much as that on fair days?—I have taken more than that, several pounds more than that.

3397. I believe your book is here at hand, is it not?—Yes.

3398. Did

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3398. Did any persons during that day, besides Riley's party, ask for refreshment without paying?—There was one individual asked for something; who I do not know; he asked me for something to take; I do not know who he was.

3399. What did you tell him?—He asked me for something, and said it was for Mr. Digby.

3400. By the *Committee.*] What do you mean by something?—He asked me for something to drink.

3401. Asked for drink in Mr. Digby's name?—Yes; I asked him what Mr. Digby; he said, "Mr. Digby, the lawyer." I said, "I do not know Mr. Digby, the lawyer; I never spoke to him in my life: if he has sent you here," I said, "he should have sent a note with you." He said, "He is coming presently;" and I said, "Wait till he comes;" and I saw him no more.

3402. You gave him nothing?—I gave him nothing.

3403. Mr. *Welsby.*] You saw no more of him?—I saw no more of him; there were two or three persons did that.

3404. You saw no more of him?—I did not.

3405. Will you be kind enough to look at your book, and find out the account (*the Witness referred to the same*)?—That is the account.

3406. It occupies two or three pages, does it not?—Yes; that is it; that is what I supplied to my servant.

3407. That is not yet paid?—No.

3408. Did you see Mr. Allan there that day at all?—I saw him once in the passage at the house.

3409. By the *Committee.*] Do you mean George Allan?—It is George Allan.

3410. Mr. *Welsby.*] In the passage you say?—Yes.

3411. Did you see him talking to any voters?—No.

3412. Or bringing any in?—No; I never saw him bring an individual; I only saw him standing in the passage.

3413. If he had been engaged in that way at your house, must you not have seen him?—Most likely I should have done so.

3414. Did he treat anybody at your house to your knowledge?—No.

3415. Did you supply him with anything gratis?—No; he never asked me.

3416. Can you be quite sure that he was not there three or four times in the course of that day?—I only saw him that once, nor do I believe he was there more.

3417. You were in and out, and about the house the whole of that day?—The whole of that day; I was not away ten minutes at any one time.

3418. With respect to the account which is in that book, did you ask Mr. Riley for it?—No; Mr. Riley came in once, and said to me, "I shall be in in a week or two's time; I will call in, and settle your account." I was quite satisfied with that.

3419. You looked to him for it, I presume?—Yes.

3420. Do you know Since?—What Since?

3421. William Since, I think?—What is he?

3422. Do you know Giles Austin?—No.

3423. Do you know the two Cutbies?—No.

3424. Do you know a man of the name of Brightwell, of Great Baddow?—Yes.

3425. Did you let him have anything upon credit?—I never saw him in my house.

3426. If he got anything without paying, it must have been slyly?—He either took it from others, or robbed my servant; either from Mr. Riley's men, or robbed my servant.

3427. Was Mr. Western at your house at all that day?—Yes.

3428. For how long, do you think?—I should think two or three minutes; he passed the room I was standing in.

3429. He came into no other room except the room in which you were standing; did he come to inquire for some person, do you know?—No, I do not know that he did; I never heard him inquire for any one.

3430. He came in, and remained two or three minutes, and then went out again?—He passed through the room, and then went out; he came into the room, passed through my bar; he came in at one door, and passed through the bar,

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where, of course, I should be, and walked out of the other door. I believe he looked into the parlour on the left-hand side; I am not certain.

Cross-examined by Mr. *Slade.*

3431. What was the parlour on the left-hand side; is that where Mr. Riley's men were?—No.

3432. Then who was in the parlour on the left-hand side?—The general customers; any one who chose to go in.

3433. What, eating and drinking?—Yes.

3434. I suppose there were a great many people there that day besides Mr. Riley's party?—Yes.

3435. A good many voters of Maldon there?—There were some voters of Maldon.

3436. Do you know Malcolm, the stone-mason?—Yes.

3437. Did you see him with Mr. Western?—He was in the room when Mr. Western passed through, I believe.

3438. About what o'clock was this, about half-past three?—I do not remember the hour.

3439. Try and recollect?—It was not so late as that, I think; I do not recollect the hour; not so late as that.

3440. When was it?—Between twelve and one; I cannot speak to exactly the time; I was very busy all the time; I merely saw that it was Mr. Western, and he passed through.

3441. Then, as far as you know, Mr. Western might have remained about the premises, although you did not see him; he passed through the room where you were?—Our house is so situated, that Mr. Western could not have continued in the house without my seeing him; my bar is so situated.

3442. By the *Committee.*] Do you mean that the bar is situated so as to command the rooms?—Yes.

3443. You can command all the rooms?—Every door.

3444. Were all the doors open?—Yes.

3445. They were going in and out?—Yes.

3446. Mr. *Slade.*] Did Mr. Riley bring these parties up who came to the room, the two or three and twenty?—Him and one of his men; I believe he came with them.

3447. How were they brought up, in carts?—No, I think in Mr. Riley's waggon, or flour van.

3448. What time did they reach you; what time did they come to the Wellington?—I should think about 10 o'clock; I do not know the exact time; 10 or 11 o'clock; I do not know exactly the time.

3449. What had you got ready for them?—I had a round of beef.

3450. What else?—Nothing else.

3451. A round of beef?—Yes.

3452. How long did those parties, Riley's party, remain in the house eating and drinking, till after the poll was over?—They remained as they were; they were eating and drinking the whole of the time; directly they came in, they had plates of meat supplied to them; those were the only people who had it.

3453. Were the plates of meat supplied from this round of beef?—Yes.

3454. Who cut it?—I cut it, and my servant carried it to them.

3455. They had beer?—Yes.

3456. They had those things up to three or four o'clock in the day?—They were not eating the whole of that time.

3457. But did they eat occasionally during the day, Riley's party?—Yes.

3458. What, they came in and out, and had some refreshment?—When they had had what they wanted, they did not come a second time; they did not ask for anything to eat a second time, to my knowledge.

3459. Then, if you can remember whether it was one supply, or whether you supplied them time after time at any other time, surely you can remember whether at two or three o'clock they had anything to eat?—I cannot remember it; there was so many other persons that I cannot recollect that.

3460. I thought your memory was so good that you could positively recollect that Mr. Western only passed through the room once?—He did not; my memory is perfectly good about that.

3461. Have

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3461. Have you charged this in your book to Mr. Riley; just have a look?—No; I have not charged it to any one.

3462. Mr. Riley, you say, gave you the order?—Yes.

3463. And you look to Mr. Riley for payment?—Yes.

3464. I see a gentleman of the name of Crick's supper; who is Mr. Crick?—A solicitor of Maldon.

3465. Did he give a supper about the same time?—He is building a house, and he gave a raising supper for his workmen; you see the account is there.

3466. You charge Mr. Crick there; there is Mr. Crick's name?—Yes.

3467. Will you explain why you did not charge Mr. Riley by name?—I had not an order from any other person but Mr. Riley, and I merely put that down to know what I supplied to them; I supposed he would pay me for it before he left.

3468. Why did you not put down "Ordered by Mr. Riley," as you did to Mr. Crick?—I had a decided order from Mr. Crick to supply the men with the supper.

3469. Had you not a decided order from Mr. Riley to supply his friends?—He said that the party he should bring would be supplied with meat and bread, or bread and cheese and beer; never a word more.

3470. You did not put that down?—I did.

3471. But you did not put down Mr. Riley's name?—I did not put down his name.

3472. We are told you have made out an account?—I have not made out an account.

3473. Show me, will you, where it is in the book?—There (*pointing out the same*).

3474. Where do you finish?—There (*pointing out the same*).

3475. You have an entry here, "Mr. Malcolm, three pots, paid"?—Yes.

3476. How came that to be entered in the middle of the account against Mr. Riley?—It is not in the middle of Mr. Riley's account; it might have been standing there, or it might not.

3477. Just look at it here; you carry on Mr. Riley's account?—Yes; but it might have been standing there.

3478. Will you point me out any other entry in that book where there is an entry of articles supplied without the name of the party to whom it is supplied?—No, I could not; there is no other entry.

3479. By the *Committee.*] Allow me to look at the book?—I state what the reason for that is; I had no motive.

3480. Mr. *Slade.*] How many suppers did Mr. Crick give?—One.

3481. By the *Committee.*] Is this all your own handwriting?—No, it is not.

3482. Who kept the book?—Part of it is mine; and when I was serving, and my servant took anything to any individual who sat there, I said, "Will you just put down the quantity that is sent out," and that is how it is.

3483. Had you other persons in the bar?—Yes, Mrs. Malcolm was there; she always assists me when I am busy.

3484. Is that summed up?—No, it is not.

3485. Did you ever make out a separate account to Mr. Riley, or anybody else?—No.

3486. Have you any other account to produce but this?—No.

3487. Mr. *Slade.*] Why did you not make out an account to Mr. Riley?—He has not asked me for it; he told me he should call in one evening, and settle my account; he never asked for it.

3488. By the *Committee.*] How long ago is it since he said that?—I cannot exactly recollect; perhaps it might have been a week after that he said so.

3489. The election was the 28th of March?—Yes.

3490. It would not have been expedient since that time; perhaps he said he would call again?—Yes.

3491. Did you suppose he was waiting till this inquiry was over?—I do not know; Mr. Riley and my husband had some business together in the way of trade; I thought he perhaps might not pay at all until they settled.

3492. Your husband has other business with Mr. Riley?—Yes.

3493. What is the nature of that business?—He has food for his horses, horse pollard, and so on, for his horses; there might be an account between them.

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3494. Your husband keeps horses, and buys food from Mr. Riley, who is a miller?—Sometimes.

3495. That account would not appear in that book?—No.

3496. That is your bar-book?—That is my bar-book.

3497. But nothing more has passed between you and Mr. Riley since that time, when he said he would come again in a week?—No.

3498. You have never pressed him for the money?—No.

3499. Mr. *Slade.*] When was it he said he would come again in a week and pay it?—He said he should be in in two or three weeks, and would settle it; he did not name any time.

3500. Does not Mr. Riley attend Maldon every week?—I do not know.

3501. Have you seen him several times since then?—I have een him pass.

3502. By the *Committee.*] Does he put up at your house?—No.

3503. Mr. *Slade.*] Has your husband had anything from him since that time?—I do not know.

3504. Do you know whether your husband owes him anything?—I do not know.

3505. How came he to say he should be in in a week or two, and would pay it; had you asked him to pay it?—No.

3506. How came he to say that?—I do not know.

3507. Had anything passed between you then which caused him to say he should be in in a week or two; did you ask him for it?—No.

3508. Was it a voluntary remark of his?—Yes.

3509. Did he ask what the amount was?—I think he did ask me about the amount; I told him I did not exactly know; I left it till he came; he said, "I shall be in again, and I will settle with you."

3510. And he never has?—He has not.

3511. That is pretty nearly five months ago now, at least three months and a half, and he has never been there?—No, I do not remember that he has.

3512. But you know very well whether he has been there to pay it?—I know he has never paid it.

3513. Has he ever taken any steps to ascertain what the amount was?—Not since that time; he has never spoken to me about it since that time.

[The Witness withdrew.

Mr. *David Wright* was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Mr. *David Wright.*

3514. YOU keep the Wellington Inn at Maldon?—Yes.

3515. Do you remember a party being there on the election day that were upon Mr. Riley's order?—I recollect a great many people being there.

3516. Do you recollect a particular party being there in one room who had round of beef?—Yes; I recollect some men, women, and children.

3517. How many about do you think in all?—I cannot say that.

3518. About 20 or 30?—I should think under that.

3519. Mr. *Slade.*] Under 20 or under 30?—I should think under 20; I cannot tell exactly; when you are very busy you cannot tell those things.

3520. By the *Committee.*] Will you say not more than 20?—I should say I cannot tell; I cannot recollect anything about it; I was busy in and out; so I cannot tell you anything about it.

3521. Mr. *Welsby.*] Was it a largish number of men, women and children?—Well, I will say 25, if that will suit you.

3522. We only want you to say what you remember; were they Maldon townsfolks?—Not any of them.

3523. Did you yourself on that day let anybody have meat, drink, or food without payment?—No.

3524. I suppose your wife manages the interior of the inn?—Most of it, except busy days, and then I help abit.

3525. Did you supply some drink to the Cutbees?—Yes, I did.

3526. John Cutbee and William Cutbee?—One of the Cutbees I supplied, and he paid for it.

3527. At the time?—When I took in a pot of ale, he gave me the money for it.

3528. And

3528. And Giles Austin, do you remember letting him have some?—I do; they were all of one company, and they paid as it was taken in; I waited upon them the whole time.

3529. That you are quite sure about?—Yes; that I am prepared to swear anywhere.

3530. Did Brightwell come to you, as having been sent by Mr. Western, for drink?—He did not.

3531. Did you see him there?—I see him in the town.

3532. At your house?—I did not see him at my house.

3533. Did you give him any drink?—Nor give him any drink.

3534. What state was he in when you saw him in the town?—I should say three-quarters drunk, as near as I could guess.

3535. What time was this?—I should say about 12, when I saw him first.

3536. And a little further on when you saw him again?—Yes; I do not know that I ever saw him sober in my life.

3537. Perhaps you have never seen him very early in the morning?—I have.

3538. And drunk then. To your knowledge had any human being meat or drink without payment upon that day in your house, except that party of Mr. Riley's?—Not any man.

3539. Or woman?—Or woman.

3540. Or child?—Or child.

Cross-examined by Mr. *Slade.*

3541. But your knowledge is very little, because you say you were in and out all day?—You cannot expect me to know much.

3542. You were in and out, taking a very active part in the election?—Not at all.

3543. But you were in and out all day?—I was in and out at times.

3544. You said, I cannot expect you to know much, because you were in and out all day?—You cannot expect people who keep public-houses to know much.

3545. It is very convenient not to know much sometimes, is it not?—Sometimes it is.

3546. Upon this occasion did you see the people come with Mr. Riley?—I did.

3547. You saw them come?—I did.

3548. How did they come?—I think it was a flour truck, or flour van, or something, I do not know what you call it, and a pair of horses.

3549. One of Mr. Riley's flour vans?—That I cannot say, whose it was; I saw them pull up at the door, but when people are busy they cannot tell exactly what it is; it might be Mr. Riley's, or it might be Mr. Ward's, or it might be some one else's.

3550. Did Mr. Riley come with them?—No, he did not.

3551. By the *Committee.*] Was not there another carriage of Mr. Riley's?—I never see it.

3552. Did you see Mr. Riley come with the four-wheeler?—No, I did not see him.

3553. Mr. *Slade.*] Did they put up at your place, those horses and that waggon?—Yes.

3554. They put up there?—Yes.

3555. Who paid for the oats and hay?—They had none, not to my knowledge.

3556. There was nothing eaten by the horses?—No.

3557. Did you see them go away?—No; I was down in the town.

3558. Did you see them go away?—No; I was in the town.

3559. Did you leave them there when you went away into the town?—That I cannot say; I was very busy just at that time.

3560. When was it that you went into the town?—I think I went in about half-past ten first, and then I went in again about 11 and 12, and I think again about two, and just as the poll closed I went to holloa "hurrah."

3561. By the *Committee.*] Are you a voter?—Yes.

3562. Whom did you vote for?—Mr. Western.

3563. Mr. *Slade.*] You say you did not take much part in the election?—No.

3564. Only went and holload "hurrah"?—That was all; that was all they required me to do then.

Mr. *David Wright.*

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3565. Except not to take much notice, you know?—I was obliged to take a little notice of them.

3566. When you went up at four o'clock, as you say, to holloa "hurrah," were all those people left in the house?—I should think there was not anybody in any of the houses then.

3567. Were any of those people left in the Wellington?—I cannot tell you.

3568. Just now you said you could not tell when they went away, because you had gone up in the town?—I cannot say whether any of Mr. Riley's party were at my house at that time.

3569. Were any of Mr. Riley's party in the house at two o'clock?—I should think they were.

3570. Eating and drinking?—I cannot say.

3571. Did you not look into the room?—I cannot say.

3572. Will you swear you do not know whether they were eating and drinking at two o'clock?—I do not know.

3573. You say you do not know?—No, I do not; I was about my business; sometimes I had one business to attend to, and sometimes another; I have got a good deal of business one way and another.

3574. Did you see Mr. Western in the house that day?—I did.

3575. At what time?—I do not know exactly, but I should think, as near as I can guess, about half-past two or three o'clock.

3576. Where was he?—He came through the bar into the bar parlour.

3577. And then?—And then he went into the large parlour.

3578. Is that the parlour where the voters of Mr. Riley were?—No.

3579. Who was in the large parlour?—I cannot tell you, but Giles Austin and several people.

3580. Voters?—I do not know whether they were voters or not.

3581. Do you mean to represent, that you, being a voter yourself, do not know whether they were voters there or not when Mr. Western went in?—No, I do not know the freemen; only the 10*l.* holders that live about me; I do not know any of the freemen.

3582. Were there any 10*l.* holders?—There was; there was Mr. Smee.

3583. Did you see Mr. Western shake hands with anybody?—He shook hands with me.

3584. Anybody else?—No.

3585. You did not see him?—No.

3586. Had you voted then?—I always vote at eight o'clock; I always go directly the poll opens; there is no gammon about my vote.

3587. By the *Committee.*] I think you said that Mr. Riley's party consisted of about 25?—As near as I can guess; it is a busy day; it is always a busy day, the fair days and election days at public-houses; you are aware of that, and for a person to speak positively, he cannot.

3588. They were men, women, and children, you say?—Yes.

3589. What did they get?—They had a plate or two of beef.

3590. And beer?—And beer.

3591. And you charged 4*s.* a head for that?—I do not know nothing about the charge; I had nothing to do with that.

3592. Is not 4*s.* a head rather a large charge for what they got?—I do not know; they charged me 2*s.* 3*d.* for a little bit of bait the other day; not enough to bait a mouse.

Re-examined by Mr. *Phinn.*

3593. You find London dearer than Maldon?—Much dearer, and particularly on election occasions or petitions; I think they knew I was here upon that, so they charged a little extra perhaps.

3594. Have you always supported the Liberal party?—Yes.

3595. And you voted at eight o'clock?—Yes, thereabouts; I live under two Tory landlords, and I have said, "If you are tired of me, I am prepared to leave whenever you please."

[The Witness withdrew.

Giles Austin was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Giles Austin.

20 July 1857.

3596. YOU are a voter for Maldon?—Yes.
3597. Were you at the Wellington on the election day?—Yes.
3598. Who were you with?—Mr. Smee.
3599. Who else?—William Cutbee and John Cutbee.
3600. And others?—Mr. Handley.
3601. Did you pay for all you had?—Yes; I did not pay for all, but we paid in turns, a pot as it came in.
3602. Your party paid for all that your party had?—Yes; there was about eight in company.

Cross-examined by Mr. *Slade*.

3603. Were they all voters?—No; five out of eight.
3604. Maldon men?—Yes.
3605. What did you have?—Porter.
3606. How much?—Oh, we had about six pots.
3607. Who paid for them?—I paid for one pot. We went from the King's Head before we went there, and there was three out of the eight did not pay anything at the King's Head, and they paid first at the Duke.
3608. What did you have at the King's Head?—Some bitter ale.
3609. How much between you?—We had five pots between eight there.
3610. Then you had six pots of porter at the Wellington?—Yes.
3611. You paid for one pot, who paid for the other five?—I am sure I cannot say who paid, but there was two out of us did not pay at the Duke, and three out of eight did not pay at the King's Head.
3612. Can you tell us who paid besides you for anything at the Duke?—William Cutbee paid for one pot and Joseph Handley for one.
3613. Who paid for the other three?—Coire Bramfel.
3614. What did he pay for?—A pot of porter.
3615. That is four; go on?—Coire Staines.
3616. Then you know who paid for all of them now?—I believe they was the ones that paid.
3617. Then you do know that the whole six were paid for?—I cannot recollect the other one.
3618. By the *Committee*.] Was the beer all paid for amongst you?—Yes; as soon as the beer was on the table the money was laid down.
3619. None of you went away without paying for it?—Not a drop.
3620. Nobody paid for you; nobody treated you?—No.

Re-examined by Mr. *Phinn*.

3621. A dry election, was it?—Yes.
3622. By the *Committee*.] Was it a dry election after you had six pots among the eight?—It was a dry election when we paid for what we had.
3623. That makes all the difference?—Yes.

[The Witness withdrew.

Thomas Walliker, was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Thomas Walliker.

3624. I BELIEVE you were employed at Mr. Western's rooms that were taken for the purpose of the election, from the first?—I was.
3625. In what capacity?—I was to attend the house and light the fires, and wait upon them; I was messenger at the rooms, in fact.
3626. When you were not there Mr. Samuel Spurgeon was left in charge of them, was not he?—Yes, unless I locked the rooms.
3627. Either the room was locked or Samuel Spurgeon was there?—Yes.
3628. Did you ever see Mr. Riley there except once?—I never saw him there at all.
3629. Were the rooms used for the county election afterwards?—Yes.

Thomas Walliker.

20 July 1857.

3630. During that time I believe you saw him there?—I did.

3631. Once, or more than once?—Once.

Cross-examined by Mr. *Slade.*

3632. You sent in a bill, did you not?—Yes.

3633. To Mr. Western?—Yes.

3634. "From March 9th to March 27th, 17 days' service as messenger, journeys round the country;" is that true?—Yes.

3635. Then you were there from the 9th of March; "Journeys round the country"?—Not at those rooms; we were not at those rooms all the time.

3636. Just now you led me to suppose you were, from the 9th of March to the 27th?—From the time they were taken.

3637. By the *Committee.*] Were they hired on the 9th of March?—Yes; but we did not go into those rooms till the week after that; we took them on the 16th.

3638. Mr. *Slade.*] Were you employed 17 days going journeys round the country?—Three days.

3639. What were the other 14 days?—I was employed at these rooms; I think there was another journey which I made during the daytime, but still I was there at night.

[The Witness withdrew.

Samuel Spurgeon was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Samuel Spurgeon.

3640. WERE you in charge of Mr. Western's rooms at the time when Walliker was not there?—Yes.

3641. Did you ever leave till he came back?—Never until he came back.

3642. Did you ever see Mr. Riley there?—Yes.

3643. How often?—Once.

3644. When was that?—It was either the Wednesday or Thursday evening; I annot say which.

3645. Before the election?—Before the election.

3646. How long was he there?—I should think about half an hour; I should think so.

3647. Do you know what he was doing while he was there?—I cannot say what he was doing; conversing with some friends.

3648. How many people were there, do you think?—Forty or fifty up in the rom, I should think.

Cross-examined by Mr. *Slade.*

3649. Were you there oftener than Walliker?—I was always there; I was there daily.

3650. Were they your rooms?—I hired the rooms.

3651. And got paid for them?—Yes.

3652. What did you give for them?—I gave 8 *l.* for them.

3653. And you got 12 *l.* for them?—No, not for the rooms; I had, in addition for the 12 *l.*—to make up the 12 *l.*—I had to furnish the rooms with tables and forms, and fix three stoves, and find firing and wood, and a lot of hat pegs, which I had to fix up in the room for the accommodation of the people.

3654. Did you pay for the hat pegs?—Yes; no, not the hat pegs are not included; but the firing was, the tables, forms, stoves; fixing three stoves.

3655. You were there every day?—Yes.

3656. In the room?—In the room, in the house; there were three rooms.

3657. Were they all hired?—I hired the lot; the house.

3658. You say you only saw Mr. Riley there once; either the Wednesday or Thursday evening?—I never saw him but once.

3659. Did you see a great many people besides?—Yes.

3660. Tell us who you saw?—I do not know that I can tell you all.

3661. Who were the principal men, now, conducting the election?—I do not know what they were after there.

Samuel Spurgeon.

20 July 1857.

3662. Who were the principal men taking an active part in that committee-room?—Mr. Digby.

3663. And Mr. Digby's son?—Yes.

3664. Anybody else?—I do not know that there was any other taking any active part.

3665. What were they doing there?—I do not know.

3666. Did you see Mr. Henry May there?—Well, I think it is very likely, but I am not positive.

3667. Do you know him?—Yes.

3668. Now, I ask you again, did you see Mr. Henry May there, aye or no?—Well, I should think I did, but I will not swear positively that he was there.

3669. You know very well you saw him there very often; upon your oath, now?—Mr. Henry May, undoubtedly, I think I did see him there.

3670. Do not you know very well that you saw Mr. Henry May at the committee-room very often; upon your solemn oath?—Upon my oath, I could not answer very often. I do not know what you mean by very often. Do you mean three or four times a day?

3671. Did you see him there three or four times altogether?—Very likely I did.

3672. Have you any doubt about it?—I will not swear that I did.

3673. Will you swear you did not see him there?—I will not swear to either one way or the other, as many as three or four times.

3674. Did you see Mr. George May there?—Mr. George May was there.

3675. How often did you see him there?—I really do not know; I did not keep an account.

3676. You kept an account of Mr. Riley?—Yes; but I was surprised to think Mr. Riley came in.

3677. Why?—He only came in, and when he came it was either the Wednesday or the Thursday before the election.

3678. Why did that surprise you?—Because I thought he was a Conservative.

3679. Do you really mean to tell this Committee that?—I do; I thought Mr. Riley had been dead against Mr. Western.

3680. Did you see Mr. John Payne there?—Junior?

3681. Yes.—Yes; I think he was there.

3682. How often?—Well, really I could not say how often.

3683. You cannot say how often?—No.

3684. Did you see the mayor there; you know the mayor?—Yes, I do.

3685. How often was he in there; did you see him there at all?—No.

3686. By the *Committee.*] That is Mr. George Payne's father?—Yes.

3687. Were you the doorkeeper?—No.

3688. Mr. *Slade.*] You were doorkeeper when Walliker was away?—No.

3689. Not when Walliker was away?—No; no more was Walliker the doorkeeper.

3690. Who was the doorkeeper?—A man named Cater.

3691. Is he here?—I believe he is.

3692. Tell me anybody who was there very often?—I have told you.

3693. Who?—Mr. George May.

3694. Mr. George May was there very often?—At times.

3695. Tell me anybody who was there very often—every day—except Mr. Digby and his son?—I cannot do that.

3696. Do you know Charles Baxter?—I know Charles Baxter.

3697. Was he there?—He was there; but how many times I could not say.

3698. Did you see him more than once?—I really do not know.

3699. Will you tell us anybody besides Mr. George Payne, and the two Mr. Digbys, that you saw there more than once?—I really do not know who were there; I do not recollect the names.

3700. And yet you positively swear that Mr. Riley was only there once?—Yes, certainly.

[The Witness withdrew.

James Thomas Cater, was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

J. T. Cater.

20 July 1857.

3701. WHAT are you?—A shoemaker.

3702. Were you doorkeeper of those rooms where Mr. Western's friends met at Maldon?—Yes.

3703. When did you go on?—At eight o'clock on the morning of the election.

3704. Were you there before?—No.

3705. During the election day did you see Mr. Riley there?—No.

3706. Were you put there by Mr. Digby, or who?—By Mr. Digby.

3707. What were your instructions?—Not to allow any one there whom I considered not on business.

Cross-examined by Mr. *Slade*.

3708. Then it rested with you to consider whether they were there on business or not; who was doorkeeper during the days before the election?—I do not know.

3709. Was there any?—I do not know.

3710. You were only put on the day of the election?—Yes.

[The Witness withdrew.

George Edward Digby, Esq., was called in; and further Examined by Mr. *Phinn*, as follows:

G. E. Digby, Esq.

3711. YOU are the son of the gentleman who was called who is the town clerk of Maldon?—Yes.

3712. Are you also election auditor?—I am.

3713. You kept the accounts?—I did.

3714. Did you give the same facilities to the Conservatives as you did to the Liberals?—Quite so; I have given them copies of the accounts, and kept my clerks extra hours to give them copies of the accounts with extra expedition; I have kept them after eight o'clock in the evening to supply them for either party.

3715. You gave access to all parties to the accounts?—Yes; I gave access to all parties, and I have been complimented by them for the manner in which I did it.

3716. At all hours?—At all hours; day and night.

3717. Is there any ground for the imputation that you tampered with the accounts?—None whatever.

3718. I believe you were thanked at the previous election for your services?—I have been thanked; and also at this election I was complimented for the way in which the accounts were kept.

3719. By whom?—By Mr. Somerville, and by Mr. Spofforth, Messrs. Baxter's clerk; he said the accounts seemed to be very correctly kept.

3720. I believe the election auditor has nothing to do but to receive the accounts and to pay them as he is directed?—That is the whole of his duty.

3721. He has no discretion at all?—No discretion at all, as I view the law.

3722. By the *Committee*.] What are your duties?—To receive the accounts from the different candidates, with the money, and to pay the bills; and those duties commence after the election is terminated. No bill was brought to me till more than a week after the election was over.

3723. So that during the election the election auditor has nothing whatever to do?—Nothing whatever to do. The first time I acted as election auditor, in 1854, I put up on the room my name as election auditor, but no one came to me throughout the whole of the election; no one came to that room at all; there was nothing to do.

3724. Mr. *Phinn*.] Previous to the election did you accompany Mr. Western in his canvass?—I did.

3725. What

3725. What were your instructions with regard to corrupt practices?—Mr. Western repeatedly said he would rather lose his election than gain it by illegal means; and my instructions were to avoid all possibility of any objection being made to the expenditure.

3726. By the *Committee.*] Was your name included in the declaration made by Mr. Western, the Sitting Member, as his agent, for the purposes of the election?—No, it was not.

3727. But you acted as such?—I acted under my father's authority; I had an implied authority from my father; I did everything as on his behalf.

3728. You are his partner?—Yes.

3729. Your father and partner's bill of costs will be divided between you, I presume?—I presume so.

3730. Then, in fact, you are beneficially interested as agent for the Sitting Member?—I consider that is so.

3731. You consider yourself as partner?—His partner, but not as agent.

3732. But you acted as sub-agent for your father?—I did.

3733. Without a declaration having been signed to that effect?—Without a declaration having been signed; no one but the person appointed as the agent can make a declaration; there is only one agent appointed.

3734. But you being one of the firm, do you consider yourself as included in that declaration; is the declaration here?—No; the declaration must have been a personal declaration.

3735. It is a written one?—If my father made a declaration, it must have been for himself.

3736. It seems to the Committee somewhat singular that a person should be acting as agent of one of the parties and at the same time be election auditor; therefore we want distinct evidence upon what grounds you canvassed, and became a party to Mr. Western's proceedings?—I canvassed at the request of my father.

3737. With whom you were partner?—With whom I was partner.

3738. Mr. *Phinn.*] I believe you went round with Mr. Western before the partnership commenced, did you not?—I did.

3739. When did you go round with him?—About October 1856, I think it was.

3740. By the *Committee.*] With Mr. Western?—Yes.

3741. You were not then a partner?—I was not then a partner.

3742. But since you have become a partner have you done the same?—Since I have become a partner I have done the same.

3743. Mr. *Phinn.*] You had gone on the previous occasion, and you went round on the second canvass?—I did. There was no one so well qualified as myself, as having seen the people recently, I knew their addresses, and where they could be found; it was more as a matter of convenience than anything else that I went round.

Cross-examined by Mr. *Slade.*

3744. Of course you expect to get your share of the 105 *l.* which your father has sent in as his charge against Mr. Western?—Yes; I think the whole of it was incurred in this year, if so, I should; at any rate, of whatever part of it was incurred in this year.

3745. And you will get a share of the expenses connected with this petition?—Certainly.

3746. Is it a fact that you canvassed for Mr. Western?—I attended with him to point out the residences of the voters; I did not ask the voters myself for their votes; I did not speak to one of them further than to say "This is Mr. Western."

3747. Did you receive the reports of those who canvassed?—I was not aware that there was any other canvassing, except myself, with Mr. Western personally.

3748. Did you receive the reports of those who canvassed, and return them to your father?—No.

3749. Have you been in the room all the time?—I have not.

3750. Did you hear your father examined?—No.

G. E. Digby, Esq.

20 July 1857.

3751. I will just read you what your father says, and you will tell me whether it is right or not?—If you mean by "those," when I went round myself, I reported what was done when I was present; but I reported nothing which anybody else did.

3752. I mean did you receive the reports from any other canvassers, and return them to your father?—No.

3753. This is a question put from the Committee with reference to the parishes of Little Baddow and Woodham Walter: "Had you any report from Mr. Riley of any proceedings of any sort? None." "Had you any report of the canvass of those two parishes from any person? Yes; my son went round them, and I took the report of them when he came home"?—That is so; I went round with Mr. Western, and when I came home I gave my father the report of what had been done.

3754. Do you mean to represent that nobody canvassed except you and Mr. Western?—And friends that accompanied Mr. Western; that went with him at least; Mr. Western was the canvasser; but his friends accompanied him.

3755. Mr. Henry May; did he go round?—Either once or twice he went; he went to a place called Tollesbury; whether he went anywhere else, I have not any recollection; I think he did not; but I will not swear it.

3756. Were you often in the committee-room?—Frequently in the room that was used for the purposes of the election.

3757. Did you see Mr. Henry May there?—I believe he was there; but I saw him very seldom, because when the election commenced he was at a distance from Maldon.

3758. But I am talking of before the election, during the canvass; did you see Mr. Henry May at this room which was used for the purpose of the election?—I believe I saw him there once or twice.

3759. Which was it; once or twice?—I cannot say; I saw two or three dred people there; I cannot recollect everybody that was there.

3760. Did you ever see Mr. Riley there?—Never, except once.

3761. You saw him once?—I saw him once.

3762. When was that?—It was either the Wednesday or Thursday evening before the election.

3763. Were you astonished to see him there?—I was rather surprised at seeing him there.

3764. Did you see that account of Landsdell's which your father kept, where he put his pen through the name?—I saw the account; yes.

3765. Did you make any remark to your father upon that?—I cannot recollect that I did, except one remark; I think that there was an item included in it which I had already paid; 5 *s.* for the hire of an omnibus, or something of that sort.

3766. Did you make any remark about striking his pen through the name?—No; I cannot recollect that I did.

3767. Will you swear that that bill was refused to be taken, and another bill was substituted?—Yes; I will swear, not that the bill was refused to be taken, but that the bill was in a mess, having been altered; several alterations having been made in it.

3768. There was no alteration, except the name?—Yes, there was an item struck out in the bill. Landsdell came round a week after the two months allowed by the Act, or on the last day of the two months allowed for the bills, Landsdell came in and said, "Sir, I am very sorry, sir, I have forgotten an item; the use of a room which you had for a meeting at my house."

3769. When was that?—Oh, two months or more after the election; I think it was about the last day allowed by the law for sending in claims; it would be one month or more after the election.

3770. Then it was within a month?—I think it was about the last day of the month; I know the time was very near.

3771. Was it the time when the account was altered, because this is in addition; this item for the use of the room was at the time when that addition was made?—I believe it was.

3772. Were you present?—Yes. I cannot say whether it was one month or two months. I have no recollection.

3773. I thought

3773. I thought you just now said that it was added in the fresh bill that was sent in, was not it?—It was added in the bill.

3774. The fresh bill?—It was added in the old bill first.

3775. Then if it was added in the old bill why should he say he forgot to put it in a month or two after the election?—It was added when he came.

3776. You say he came a month or two after the election; nearly the last day, and he observed, "I beg your pardon, sir, I forgot to put in a charge for the room?"—He did, and he put it in.

3777. How do you reconcile that with the fact of its having been put in the old account?—He then put it in the old account, I mean.

3778. Let me look at the old account; just explain it; you say he came the last day?—I will not swear it was the last day.

3779. First you said two months, then you corrected yourself to one month or more, and that he came and apologised for not having put in the hire of the room?—Yes.

3780. Into what account was it put, then?—He put it down; it was put in the old account; the account he originally delivered, and then when he re-copied the bill he embodied it in the bill.

3781. When was this account altered?—At the time he came to say that it was omitted.

3782. Was that the last day. Did he send in this account so late as almost the last day allowed by the law?—No, he had sent in that account previously it was afterwards added when he came, as I say, about the last day.

3783. Were you present when he was told to make out the account without the names?—Yes, I was; that he was to make out a fresh account.

3784. When was that?—It was at the same time.

3785. What, the last day allowed by law, almost?—Yes, about that time.

3786. How long had it been in your father's possession?—Three or four days, I think.

3787. Was this ever presented to you, as election auditor?—No, it was never handed to me for payment. I have nothing to do with the accounts till they are sent to me for payment.

3788. When was this handed to you for payment?—Shortly after Lansdell sent it in; perhaps about the same day. I think he re-copied it and sent it back the next morning, or something of that sort.

3789. By the *Committee.*] Was it at your suggestion that your father had a fresh account made out, with the names struck out?—I do not recollect any suggestion that the names should be struck out.

3790. Then why did you strike them out?—My father, I believe, said that there had better be a fresh account made out; the names were struck out, and the bill was gone through; the bill was thoroughly examined.

3791. Can you tell us what was the objection to having the account with the names in?—I believe the objection was this, that my father said that every account that was ordered for the election was ordered by himself, and himself alone; that he was the only person responsible; that every order given was given by or through him, and that he should not recognise any other person's name as having given an order.

[The Witness withdrew.

Thomas Clark was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

3792. ARE you Mr. Alfred May's bailiff at the Off-hand Farm?—Yes.

3793. I believe there was a breakfast there on the election morning?—Yes; they had some victuals there.

3794. Who; how many of them?—Twelve, I think.

3795. Who gave it them?—I.

3796. Had you any authority from your master to do so?—No.

3797. Did he know of it?—No.

3798. Whose victuals were they?—Mine.

3799. Where did you get them?—Bought it.

3800. Where?—I had the meat of Mr. Sadler's, the butcher at Heybridge.

 3801. What

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3801. What else was there besides meat?—Bread and cheese.
3802. Where did you get it?—Baked the bread.
3803. And bought the cheese, I suppose?—Yes.
3804. Any beer?—Yes.
3805. Where did you get it?—Some I brewed.
3806. Brewed on your own account?—Yes.
3807. Had you paid for the bread and the beer and the cheese?—Yes.
3808. Have you charged anybody with that, Mr. Alfred May, or anybody else?—No.
3809. Who were those 12 persons?—Knight was one.
3810. Where did they come from?—They came out of Heybridge parish; he lived there.
3811. Who else?—Barberish.
3812. Were they all neighbours?—Yes.
3813. By the *Committee.*] Were they all voters?—Nearly all, I believe.
3814. Were they all voters; were there any that were not?—One was not.
3815. All but one?—Yes.
3816. Mr. *Welsby.*] Who was that one?—His name is Brookes.
3817. How came he to be one of them?—He came down along with them there.
3818. Where were they resident?—Some at Totham, and some at Heybridge.

Cross-examined by Mr. *Slade.*

3819. Are you a voter?—No.
3820. What are your wages?—Fifteen shillings a week.
3821. Have you got a family?—They are all grown now.
3822. Have you got a wife?—Yes.
3823. It is as much as you can do to live upon 15 *s.* a week, I suppose?—I can live with it; share other privileges as well.
3824. What is that privilege?—Fowls, and so on.
3825. What is your privilege worth?—Five shillings or 6 *s.* a week.
3826. All the year round?—Yes.
3827. Did you ever give a breakfast before?—I was not there before when the election was.
3828. Did you ever give a breakfast before to voters under any circumstances?—No.
3829. How came you to give this breakfast?—Because I thought I would get a few down, and Mr. May said I might have a van and horses and carry what liked to ride.
3830. Which Mr. May is that?—Mr. Edwin; he said I might have a van and horses.
3831. You might have a van and horses to carry the voters?—Yes.
3832. Is Mr. Edwin the son of Mr. Alfred?—Yes.
3833. But you might do that without giving them a feed too; I was asking what made you think now, for the first time, of giving 12 men a breakfast; what made you think of that?—Because I had been to see them a good many times, they had always given me the same when I went anywhere.
3834. Then you had breakfasted with them?—I had the same along with them sometimes.
3835. All the 12?—No.
3836. How many?—Four or five of them.
3837. Who?—One of the name of Cremp, and others.
3838. What did this breakfast cost you; you say you paid the bills; what did it cost you?—I paid for the meat when I had it.
3839. What did it cost you?—It cost me about 10 *s.*
3840. What did the flour that you baked the bread with cost you?—About 1 *s.* 6 *d.*, what they had.
3841. What did the beer cost?—I did not take any particular account of that; they had only about a pint a-piece, of fresh ale.
3842. Whose beer was this?—Mine; I brewed it.
3843. They had each a pint about?—Yes; worth about a penny a pint.

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3844. Where was that given?—In my house.

3845. Where did you take these men to?—Maldon.

3846. Whereabouts in Maldon did you take them to?—They went down against the church, against the hustings.

3847. And then they voted?—Some of them did.

3848. Did they not all vote?—I dare say they did, but not all at once; they got out of the van, and I took the horses in a yard, and I did not see them any more.

3849. Did you bring them back again?—Some came back and some did not.

3850. Did you see Mr. Western going canvassing?—I see him come round, but I did not speak to him.

3851. Where did you see him?—I see him come through the yard.

3852. Did Mr. May go with him?—Yes.

3853. Mr. Henry May too?—No. I never saw him.

3854. Mr. Edwin May and his father?—Sometimes they were.

3855. Was Mr. Western up there pretty often?—I never see him only twice; once about last Christmas time.

3856. By the *Committee.*] Who invited these voters and arranged for them to meet at your house?—I told them if they liked to come down I would give them a bit of something to eat, and carry them to Maldon.

3857. Did you go round and invite them?—I went to Totham.

3858. And Heybridge?—No; they came down there without asking.

3859. You went to Totham, and told them if they would come down to your house you would give them something to eat?—Yes.

3860. Did you fix the time?—No.

3861. Who told you to take them?—No one.

3862. Who told you to go there?—No one.

3863. What did you say?—I told them if they liked to come down I would give them a bit of something to eat, and a little beer, and then they should ride in the van to Maldon.

[The Witness withdrew.

Alfred May, Esq., was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

A. May, Esq.

3864. HAVE you a farm called the Off-hand Farm?—I have a farm at Totham.

3865. Thomas Clark is the bailiff there, is he?—Yes.

3866. Did you give Clark any authority to give a breakfast there on the morning of the election day?—Never.

3867. Did you know he was going to do so?—No.

3868. Did you know anything of it till afterwards?—Not of my own knowledge. I heard the report after.

3869. Have you paid, or agreed to pay anything in respect of it?—No.

3870. Do you mean to pay anything in respect of it?—No, certainly not.

Cross-examined by Mr. *Slade.*

3871. Did you ever have any one of your bailiffs ever do such a thing before? I did not.

3872. Do you know whether he ever did it before?—No, I do not.

3873. Were you very much astonished when you heard of it?—I was.

3874. Is he still your bailiff?—Yes.

3875. Have you a vote?—Yes.

3876. Are you the gentleman who proposed or seconded Mr. Western?—No.

3877. Is Mr. Henry May your brother?—Yes; but he did not propose or second him.

3878. You were one of those who signed the requisition to Mr. Western?—Yes.

3879. And your brother?—I believe he is.

 3880. Did

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3880. Did you ever go canvassing with Mr. Western?—Yes.

3881. And your brother?—I believe he did.

3882. How often have you been canvassing with Mr. Western?—I do not know.

3883. You know better than I do?—That is very likely.

3884. Tell us whether you do or not?—I really cannot tell you how many times; several days.

3885. Was your brother, Mr. Henry May, several days also canvassing?—Not that I know of.

3886. How often have you seen your brother canvassing?—I think twice.

3887. With you?—No, not with me; once with me.

3888. Did you see your brother canvassing when you were not canvassing with Mr. Western?—No.

3889. Never?—No; not that I recollect.

3890. Did you ever canvass with him yourself when your brother was canvassing also?—The once that I speak of.

3891. How long were you out that day?—Five or six hours.

3892. Were you at Tollesbury?—Yes.

3893. That was the day you were at Tollesbury?—Yes.

3894. Can you tell us whether that was the 14th of March?—No, I cannot.

Re-examined by Mr. *Welsby*.

3895. Did I understand you to say, you and your brother proposed Mr. Western?—One of my brothers did.

3896. Which was that?—George May.

[The Witness withdrew.

Thomas Sutton Western, Esq., a Member of The House, having been sworn, was Examined by Mr. *Phinn*, as follows:

T. S. Western, Esq. M. P.

3897. YOU are, I believe, the Sitting Member for Maldon?—Yes.

3898. Your father has, I believe, a large property in the immediate neighbourhood?—He has.

3899. Felix Hall, I believe?—He has.

3900. Has that been an hereditary property for a long time?—Yes.

3901. We are told that a member of your family, Lord Western, formerly represented the borough, and afterwards the county?—He did.

3902. I believe your father has been applied to for both?—He has.

3903. On the death of the late Mr. Leonnard, I believe you became a candidate to represent the borough?—I did.

3904. When did you commence going round?—I think in three or four weeks I issued my address; I cannot be particular as to a week; my first canvass was, I think, in the month of October.

3905. Had you gone round and seen any of the voters previously to that?—I had seen some of the influential people; some of them were voters.

3906. I believe a requisition was presented to you?—A requisition was presented to me upon the issue of my address.

3907. Do you know Mr. Digby?—Perfectly.

3908. He is not your private solicitor, I believe?—He is not.

3909. When did you first employ him?—Immediately on Mr. Leonnard's death I went to Maldon to ask him what the state of the borough waa, and that I thought of coming forward.

3910. Had you made inquiries as to him before, or had you heard from Mr. Leonnard of Mr. Digby?—I had heard of Mr. Digby frequently from Mr. Leonnard's family.

3911. You prosecuted your canvass with young Mr. Digby, I believe; in the course of that did you call upon Mr. Riley?—I called upon Mr. Riley upon both canvasses in order to see his men.

3912. Was it your custom, when you were going to call upon the men, to call upon the master first, to ask leave to canvass the men?—In every case.

3913. And did you call upon Mr. Riley in that capacity?—I did.

3914. Did

3914. Did he ever accompany you upon your canvass?—He never accompanied me upon my canvass; but when I made my second canvass, upon going to his house to see his men, some of the party who were with me asked whether his men were at work; upon which he replied, "They are all in a field," and endeavoured to explain to the gentlemen around me who knew the country where that field was. They did not clearly understand him, and pressed Mr. Riley to take his hat and to go and to point out where the field was, which he refused to do. He said, "I will take no part in the election;" but upon being further pressed, he put on his hat, got in my carriage, and went to the field, and pointed them out, and then he stood in the road.

3915. Except upon that occasion did he go with you to any voters at all?—None; never canvassed with me.

3916. With regard to illegal practices, what were your instructions to Mr. Digby?—Well, I had great confidence in Mr. Digby; and I said to him, on first appearing as a candidate, although there was not a general election near, I said, "I will have no illegal practices of any description, and I look to you to protect me from anything of the kind;" something to that effect.

3917. As far as you were concerned, did you carry out that determination?—I did.

3918. Have you promised, directly or indirectly, any sum of money to anybody beyond the legal expenses of your election?—I have promised nothing to anybody.

3919. Did you intend to pay anything?—I have promised nothing; I consider that I have to pay Mr. Digby a portion towards the petition expenses.

3920. With regard to the day of the election, do you remember going down to the Wellington?—Perfectly.

3921. Where is the Wellington?—The Wellington is at the upper part of the town.

3922. On the outskirts?—Right on the outskirts.

3923. Did you previously know the sign of the inn?—I did not.

3924. Or where the Wellington was situate?—I did not.

3925. Do you remember what time of day it was you went down?—I think it must have been about half-past three, near the close of the poll.

3926. What led you down there?—Somebody came up to me in the middle of the street at Maldon, and said to me, "There is a voter or two at the Wellington who will vote for you if you come and ask him; he has promised to vote for you, but he will not vote for you without you come and ask him."

3927. By the *Committee.*] A voter or two, he said?—I am not sure; I think he said voters, or one; I think he said a voter.

3928. Mr. *Phinn.*] Did you go down?—I did; I said, "I do not know the way to the Wellington, can you show me the way?"

3929. Did anybody accompany you down?—Somebody did.

3930. Did you go into the Wellington?—When I got to the Wellington I stood outside for a minute or two, whilst some party went in for the voter, I believe; the party returned and said, "He will not come out to you, you must go in;" and I went in.

3931. You did go in?—I went in.

3932. How long were you in the house?—I should think about three or four minutes; when I got in I think I met the landlord, who said, "Sir, you had better walk into this private room."

3933. Was that what is called the bar parlour?—There is a small room for the purpose of drawing the beer, and a very small room beyond which I went into; a very small room indeed, which looked like a private person's room.

3934. Did you get the voter out?—He was not in this room.

3935. Was he brought to you?—He was not; I do not think he was; he was not brought into this room.

3936. Did you go into the larger room?—On their telling me the voter would not come out, he said he was in the other room,—I think it was the landlord said so, I am not sure,—he said, "There are plenty of voters in the other room, they will not come out to you, you had better go in and ask them for their votes."

3937. Did you go into this larger room?—I went into this larger room, it is not a very large room after all, it is larger than the one I was in.

3938. Did you get the voter?—I went in and I said something to this effect, I cannot quite recollect what, "There is a voter here who wants to see me, I believe,

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where is he," and there were about half a dozen men, I think, or perhaps seven or eight men sitting round the table, most of them doing nothing; I think there was a cup or two upon the table, but certainly not general drinking.

3939. Did you see anything like drunkenness?—Nothing of the kind; they were all as sober as I am, in that room.

3940. Did you see the voter?—Somebody standing round said, "There, that is the voter, that is a voter."

3941. Did you address him?—I did.

3942. What passed?—I do not know, I am sure; I said, "My dear fellow, are you going to vote for me," or something of that kind; he said, "Oh, yes, leave me to myself, and I will come down," and I said, "I have no doubt you will, but 4 o'clock will come, and then you will be very sorry you have been here so long;" it was then 20 minutes to four.

3943. You say you were about three or four minutes in the house?—I should think not more.

3944. Did a man named Brightwell ask you for drink?—I do not recollect that he did.

3945. Did you give anybody authority that day to have drink in your name?—None whatever.

3946. At the Wellington or anywhere else?—No, nowhere.

3947. Were you aware that this entertainment had been given to Mr. Riley's people?—Not the smallest notion; I knew nothing about Mr. Riley.

3948. Have you ever been applied to for payment of that bill?—Never; it is only three weeks ago I have heard of it.

3949. Was that in conformity with or against your directions?—What?

3950. The giving of entertainment?—Decidedly against my express directions that no illegal act was to be committed by Mr. Digby.

3951. So far as you could see throughout the town, was there any entertainment given to any of your voters, as far as you could see?—Certainly not; I do not believe that the drinking going on at the Wellington was given by any friend of mine; I believe that every voter paid for all he had, for it was so quiet in that room.

3952. Generally, did you see drunkenness of any kind?—A great deal at the Blue Boar.

Cross-examined by Mr. *Slade*.

3953. The only party drunk then were the other party that day?—I cannot say.

3954. You volunteered the Blue Boar; that was very unnecessary; you still volunteer it; you saw no drunkenness except at the Blue Boar?—I did not say so.

3955. Did you see anybody drunk at the Wellington?—I did not.

3956. Anybody drunk at any house that held your own colours?—I was in no house that held my colours; I do not know.

3957. Mr. *Phinn*.] Had you any colours?—I had a colour myself on the day of nomination, but that I was opposed to; but the Conservative candidates wore them, and it was thought that I had better put one on.

3958. Mr. *Slade*.] Then they did not always carry out your earnest entreaties?—I do not know whether they did or not.

3959. Who were your principal supporters in Maldon?—I was so generally supported that I could not pick out any very leading men amongst them.

3960. Perhaps I may pick them out for you. Was Mr. Alfred May a supporter of yours?—He was.

3961. A very warm supporter?—I should think he was a zealous advocate of the cause.

3962. Of the Western cause?—Of the Liberal cause.

3963. You represented the Liberal cause?—I did; but I could not tell that there would not be another candidate.

3964. Was Mr. Henry May a zealous and active supporter also of the Liberal cause?—I should call him a steady man, decidedly.

3965. Did this steady man go and canvass with you?—I think he did twice.

3966. Did he go to Tollesbury with you?—He did on one Saturday; perhaps two Saturdays; I am not certain.

3967. Did he go anywhere else with you?—I cannot recollect; he might have, but I do not remember whether he did.

3968. Charles Baxter; was he also a steady man, as you call it?—Baxter was with me at Tollesbury.

3969. This same day that Mr. Henry May was?—I cannot say.

3970. And canvassing with you?—He went round with the party.

3971. And canvassed with you?—He was with me; I canvassed everybody myself; he accompanied me.

3972. Accompanied you; identified himself with you?—With the party.

3973. How did you and Mr. May go over to Tollesbury?—When I canvassed I went in my own carriage.

3974. Took Mr. May with you?—I really forget whether Mr. Henry May was in the carriage; but we divided, as we could, the party; he might have been or might not; I do not know; my impression is, he was not in my carriage.

3975. Who was in your carriage?—I remember Mr. Quihampton was one.

3976. Who else?—I really forget who the third was; I took the carriage, of course, because I had not my horses to ride.

3977. Had you paid a visit to Tollesbury before then, or not?—I had.

3978. You mean in the autumn?—The first time I went down; the first canvas, the Saturday; I always went Saturdays.

3979. Who accompanied you then?—Mr. George Digby.

3980. Anybody else; the young man; anybody else?—Nobody else.

3981. Not Mr. May?—I think not.

3982. Nor Mr. Howe?—Mr. Howe did not.

3983. You know Mr. Howe, do not you?—Yes, I know him by sight; I do believe he was with me the first day.

3984. How long were you in the town of Maldon before the nomination day?—I think I paid for 12 days or 13 days.

3985. Were you often at this room, which was used for the purposes of the election?—I did not own that as a committee-room.

3986. You did not own it as a committee-room?—I disclaimed it as a committee-room from the very commencement.

3987. Were you often there, call it what you will?—I was a great deal over at Felix Hall; it might have been four or five evenings; I should doubt if it was quite so many as five or six times in the evening; I do not think it was above four.

3988. I suppose Mr. May was there; Mr. Alfred May, Mr. George May, and Mr. Henry May?—They were sometimes.

3989. You have seen them there?—I have.

3990. Even the few times you have been there?—The few times I have been there.

3991. Taking an active part, and steady men?—Sitting perfectly steady at the table.

3992. Anything before them; were they working?—I think they were listening chiefly.

3993. What was going on?—I do not know what was going on; people dropped in from all parts; all sorts of people; sometimes there were a great many people came in.

3994. You have no property at Tollesbury yourself, have you?—Not in Tollesbury.

3995. How far is your father's property from Tollesbury, or your own?—I think about seven or eight miles; I think Tollesbury is seven miles from Kelvedon; that would make eight miles from Felix Hall.

3996. By the *Committee.*] How far is Little or Great Totham from Felix Hall?—I should think about five or six miles.

3997. Have you no property there?—No property at Totham.

3998. Is Mr. May your tenant?—No; he is Mr. Honeywood's tenant, I think.

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Re-examined by Mr. *Phinn.*

3999. You used the word "committee-room," was there any committee-room from beginning to end?—I am not aware of any. I disclaimed it from the commencement; I do not like to volunteer evidence, but I was asked if I had said anything to Mr. Digby about illegal practices, and I recollect I had constantly warned Mr. Digby, and repeatedly said to him, "Take care that no illegal act takes place; I would a great deal rather lose my seat than that any one illegal act should be done.

[The Witness withdrew.

Mr. *Phinn* stated that that was the case on behalf of the Sitting Member, and was heard to sum up the evidence.

[Adjourned till To-morrow at Twelve o'clock.

Martis, 21° *die Julii*, 1857.

THE Names of the Members were called over: all present.

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The Committee-room was cleared.

After some time, the Counsel and Parties were again called in.

The *Chairman* stated that the Committee had come to the following Resolutions:

1. That Thomas Sutton Western, Esq., is duly elected a burgess to serve in the present Parliament for the Borough of Maldon.

2. That it was proved to the Committee that Joseph Riley attempted to bribe Henry Gozzett by the promise of a contract for work at a church, of which the said Joseph Riley was the churchwarden.

3. That the said Joseph Riley offered to bribe Thomas Webb by the promise of a supply of flour for one year under the market price.

4. That the said Joseph Riley was proved to have engaged rooms at the Wellington Inn, where treating was extensively carried on upon the day of polling; but it was not proved to the satisfaction of the Committee that the acts of bribery or treating were committed with the cognisance or privity of the said Thomas Sutton Western, or his agents.

5. That in the opinion of the Committee the meaning and intent of the 17 & 18 Vict. c. 102, s. 15, for the appointment of an election auditor, was rendered nugatory by the fact, that the son and partner of the agent of the Sitting Member held that office, whereby he became the auditor of his own accounts.

PETITION, No. 2.

Martis, 21° *die Julii*, 1857.

THE Names of the Members were called over: all present.

SIR JOHN TROLLOPE, BART., IN THE CHAIR.

Mr. *Phinn* was heard to open the case on behalf of the Petitioners; in the course of which, upon mentioning the name of Charles Gill as a witness upon whom he should rely to prove his case,

The *Chairman* stated, that from the manner in which Charles Gill gave his evidence on the previous petition, the Committee could not place any reliance upon his statements; and put it to the learned Counsel whether he would proceed with a case founded upon such testimony?

Mr. *Phinn* stated, that after that intimation, he would not proceed further.

Mr. *Edwin James* stated that he should apply for costs, upon the ground that the petition was frivolous and vexatious.

John Sutton Western, Esq., a Member of The House, having been sworn, was Examined by Mr. *Edwin James*, as follows:

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4000. HAD you anything to do with this Petition?—I was consulted about it.

4001. Had you anything to do with the presentation of this petition?—Nothing whatever.

4002. Do you contribute any funds towards it?—I have not.

4003. Do you intend to do so?—I do not know; it is according as I am advised; I have not contributed towards them yet.

4004. Who first spoke to you about this petition?—I have not the least recollection.

4005. Was this petition presented after the petition was presented by Mr. Peacocke against your return?—It was.

4006. Did you see Mr. Digby upon it?—I did.

4007. Did Mr. Digby tell you that he had got up this petition, and had presented it in consequence of there having been a petition presented against your return?—No.

4008. What did he say to you about it?—When I consulted him upon the subject, he advised me strongly not to present a petition; on the first occasion.

4009. Was it after that, this petition was presented?—After that conversation.

4010. After that he advised you strongly not to present the petition?—Not me, but the petitioners.

4011. After that, this petition was presented?—After that, this petition was presented.

4012. By the *Committee*.] It was not presented at the time?—Not at the time I had the conversation with Mr. Digby.

4013. It was not then presented?—No.

4014. Mr. *James*.] Have you been asked by Mr. Digby to contribute anything to the expenses of it?—Not directly asked.

4015. Indirectly?—Indirectly, I have.

4016. What do you mean by being asked indirectly by Mr. Digby to contribute to the expenses of this petition?—He suggested that I should be at the expense of it.

4017. Who did?—Mr. Digby.

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4018. Mr. Digby intimated to you that you should be at the expense of it?—Yes.

4019. When was that?—I suppose it was a few days before it was put in. I wish to be accurate; I think it was about a week before it was put in, or three or four days.

4020. Three or four days before the petition was put in, when Mr. Digby suggested that you should be at the expense of it; will you tell the Committee your answer?—I said it was a subject for consideration; we did not decide to put it in till the day before it was put in.

4021. Did you give any answer to Mr. Digby, as to your being at the expense of it?—Not directly; it was understood by Mr. Digby that I should be at the expense of it in the event of its being put in.

4022. Then it was understood by Mr. Digby that you were to be at the expense of it, in the event of its being put in?—Yes.

4023. What do you mean by being understood; what did you say to Mr. Digby?—I forget.

4024. What did he say?—We talked it over, and I conceived that the inference that Mr. Digby would draw was, that in the event of its being prosecuted, put in on the Thursday, which was the last day in the House of Commons on which we were able to do it, that the expenses should be provided for by me.

4025. Do not you know that Mr. Digby has indemnified the petitioners?—I know nothing about his transactions with the petitioners; I only know what passed with me.

4026. Do not you know that Mr. Digby has personally indemnified the petitioners?—I do not.

4027. Has he never told you that?—No, I never heard of it till this moment.

4028. Who is Stephen Clarke the younger?—He is one of the Maldon voters, and one of my supporters.

4029. Who is William Gepp?—He is another.

4030. Who is Samuel Spurgeon?—I do not know what his profession is.

4031. When Mr. Digby spoke to you about it, had he prepared the petition?—I do not know; I believe he had prepared a certain amount of evidence.

4032. Had he prepared the petition when Mr. Digby spoke to you about it?—On the last occasion he had.

4033. When he first spoke to you about it, Mr. Digby had not prepared the petition?—I do not think it was completed then; I think he had got a certain amount of evidence to go upon.

4034. But was the petition prepared?—You mean the complete petition, ready to present.

4035. I mean any document in the shape of a petition?—I do not think it was.

4036. Was it presented on the last day?—Yes, it was the first petition presented in the House of Commons on the last day; I presented it myself, at four o'clock.

4037. When you say that you shall pay according as you are advised; pray let me understand what that is distinctly?—That if nobody else assisted towards the expenses I should feel myself called upon to pay the whole.

4038. Have you made any engagement of that kind with Mr. Digby?—I have entered into no engagement; but I should conceive it is thoroughly understood by Mr. Digby.

4039. Is Mr. Digby to contribute any portion?—He never intimated that.

4040. Is it understood?—Not at all, nor has anybody; I fully expect and anticipate to have to pay the whole expense.

4041. Is not this a speculation of Mr. Digby's?—In what way.

4042. You say you are to pay, if advised: suppose you are advised not to pay?—I mean to say this clearly, that if nobody will assist; I do not know that afterwards I may not hear the people are so glad that I have gone on with this petition, that they will contribute towards it.

4043. Who?—I do not know of anybody.

4044. Can you give the name of any human being who is pledged to contribute?—Not one soul.

4045. You say you may pay, as you will be advised?—I shall.

4046. Suppose

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4046. Suppose you are advised not?—I should not take that advice, unless I saw others, who had provide the money. I consider that I am so pledged that any expense connected with this petition I am quite prepared to meet.

4047. Have you given any instructions to Mr. Digby to get up this petition?—I have not, further than that I had a consultation; I said that they were to go on with it; nothing more.

4048. You employed Mr. Digby, and he is your solicitor, to defend your seat?—My election solicitor.

4049. I ask you, as a gentleman, is Mr. Digby employed as your solicitor in the presentation of this petition to the House; I expect a candid answer to that, yes or no?—He is.

4050. That you say?—He is engaged as solicitor in this counter petition.

4051. Have you retained him as your solicitor, to present this counter petition?—I have retained him to carry on the whole of the affairs connected with the two petitions.

4052. Is Mr. Digby retained as your solicitor, to present this petition, and carry it on before the House?—I should conceive he is thoroughly understood to do so, although I entered into no stipulation; I have no recollection of the sort.

4053. Did you tell Mr. Bramley-Moore that Mr. Digby came up to London, and told you that the petition must be presented, in consequence of Mr. Bramley-Moore's agent having been employed in getting up evidence against you?—I did.

4054. You told Mr. Bramley-Moore that Mr. Digby had come up to London?—I did not tell him that was the sole reason.

4055. Did you tell Mr. Bramley-Moore that Mr. Digby had come up to London, and told you that the petition must be presented in consequence of Mr. Bramley-Moore's agent, Mr. Hance, having been employed in getting up evidence against you?—The last part I certainly said. As to Mr. Digby coming up to London, I do not know; but I distinctly stated to Mr. Bramley-Moore in the House of Commons that I understood his agent had been employed in getting up evidence upon the petition against me, and that, therefore, I should probably present this petition, or a petition probably would be presented against his return.

4056. For that reason?—Not for that reason solely, but that was one of the reasons.

4057. Did you give Mr. Bramley-Moore upon that occasion any other reason for presenting it?—I do not recollect.

4058. Did you ever, at any other time, give Mr. Bramley-Moore any other reason for the presentation of the present petition?—I do not remember.

4059. Did you not tell him that Mr. Digby had come up to London and told you that a petition must be presented in consequence of Mr. Bramley-Moore's agent having been employed in getting up evidence against you; that Mr. Digby had come to London and told you that?—I might have said that Mr. Digby had come to London. I do not remember that part, but that was my meaning.

4060. Did Mr. Digby come to London and tell you that Mr. Bramley-Moore's agent, Mr. Hance, was engaged in getting up evidence against you?—I forget whether it was in London he told me that. I believe it must have been in London.

4061. Did Mr. Digby suggest to you that a petition should be presented against Mr. Bramley-Moore for that reason?—He mentioned that as one of the reasons.

4062. What other reasons did Mr. Digby suggest to you for presenting the petition of any other?—I do not recollect any other now.

4063. Do I understand that Mr. Digby gave you, as a reason, that Mr. Bramley-Moore's agent, Mr. Hance, had been employed in getting up evidence against you?—Getting up evidence in support of Mr. Peacocke's petition.

4064. That was one of the reasons?—That was one of the reasons.

4065. Do you mean that that was the reason why you sanctioned a petition against a Member of the House, asserting bribery and treating to have been committed by him?—I mean that I did not rely entirely upon that.

4066. What other reasons were there?—I heard there were cases of bribery and treating.

4067. Did you tell Mr. Bramley Moore that in the House?—No, I did not.

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4068. Did you ever tell Mr. Bramley-Moore that you had heard there had been bribery and treating at his election?—I do not recollect.

4069. Have you any doubt upon it?—I have no doubt I did not. I do not think in the lobby of the House of Commons, or at any time did anything pass from me to Mr. Bramley-Moore to lead him to suppose that I had any other reason than that.

4070. Who told you that Mr. Bramley-Moore's agent, Mr. Hance, had been getting up evidence against you?—Mr. Digby; he authorised me to quote him as an authority to Mr. Bramley-Moore.

4071. What did he tell you Mr. Hance had done?—He did not specify anything beyond that he had been getting up evidence to assist Mr. Peacocke's petition; you asked me whether Mr. Bramley-Moore ever said anything more about it; he afterwards told me that he had written to his solicitor, Mr. Hance, and had his assurance that he had done nothing of the kind; that was at another time.

4072. By the *Committee.*] Mr. Bramley-Moore told you that in the lobby of the House?—Yes, on another occasion; I suppose within two or three days when he had had time to write to his agent.

4073. He told you that there was no truth in it?—Yes.

4074. Mr. *James.*] When was that; before the petition was presented?—I do not recollect.

4075. Did not Mr. Bramley-Moore tell you that before you presented the petition?—It must have been after the petition was presented, I think.

4076. Then after the petition was presented Mr. Bramley-Moore told you that he had written and found that there was no foundation for Mr. Digby saying so?—That Mr. Hance had written, and said there was no foundation for it.

4077. And still you went on with the petition?—I did not recommend it to be withdrawn.

4078. Pray, did Mr. Digby say anything to you, that if this petition was presented it might probably induce Mr. Peacocke to withdraw his petition; just attend?—I believe he has said that.

4079. By the *Committee.*] Who said that?—Mr. Digby.

4080. Mr. *James.*] Did Mr. Digby say that if this petition was presented it would probably induce Mr. Peacocke to withdraw his petition?—It might be a reason.

4081. When did Mr. Digby suggest that to you?—I think not very long before the petition was presented.

4082. Was that another reason besides the agent being employed in getting up evidence for the presentation of the petition?—It was one of the reasons.

4083. That it would induce Mr. Peacocke probably to withdraw his petitition against you?—That is one of the reasons. I have others.

4084. Did Mr. Digby suggest that?—I think it was a sort of understanding.

4085. I ask if Mr. Digby suggested it?—Mr. Digby coincided with me generally in the notion; but I will not be certain whether he suggested it. I think it was my own idea.

4086. I ask whether Mr. Digby did not suggest it?—I cannot say decidedly whether he was the suggestor or not.

4087. You cannot decidedly answer whether Mr. Digby suggested that the presentation of this petition would induce Mr. Peacocke to withdraw his?—That was one of the reasons.

4088. By the *Committee.*] I thought you said that Mr. Digby had said that if this petition was presented it might induce Mr. Peacocke to withdraw his?—He did say so, but I did not say he suggested it; he agreed to it.

Cross-examined by Mr. *Phinn.*

4089. We have had the confidential communications between two Members of the House, and between solicitor and client; did you look upon Mr. Bramley-Moore as less your opponent than Mr. Peacocke, at the election?—I cannot say; the fact is this, I have a difficulty in saying so; I do not know which I could look upon as most favourable to my success.

4090. After the election, did you communicate, as colleagues do constantly, with

with Mr. Bramley-Moore?—Immediately after the election, on our meeting at the House, I certainly spoke to him rather confidentially, in reference to the other candidate.

4091. Did Mr. Bramley-Moore express to you his regret, in strong terms, that the petition was presented against you?—I do not think he expressed himself very strongly; I think he intimated; I suppose he would be rather in a difficulty to say he regretted it; but I think he intimated he would rather things remain as they were; at least, I understood in the conversation with Mr. Bramley-Moore that he felt satisfied that the election had resulted as it was; he certainly did not express any wish that Mr. Peacocke should have been returned.

4092. Did he mention to you at any time that he had dissuaded Mr. Peacocke from prosecuting his petition?—I cannot say that he stated so directly; I understood something of the kind. He certainly did not say he had used any exertions to get it withdrawn.

4093. But that he disapproved of it?—I understood so.

4094. Before this petition was presented, had you a consultation with counsel upon it; do you know whether counsel were consulted?—Counsel were consulted.

4095. Was the evidence laid before them such as you had got at the time?—I think it was such as Mr. Digby had provided.

4096. Were you aware, at any rate, that Mr. Cood had acted as agent for the Conservatives?—I am not sure; I am inclined to think I heard that Mr. Cood was acting for Mr. Peacocke, and Mr. Hance for Mr. Bramley-Moore, and that both the agents were under Mr. Somerville. I understood that Mr. Cood was the local agent to supply the London agent with information. I understood that; I was never told so.

4097. Was Mr. Cood's reputation well known in Maldon?—As an electioneering agent.

4098. And as having been reported as having been guilty of bribery?

Mr. *James* objected, that until it was proved that Mr. Cood was agent for Mr. Bramley-Moore, the evidence could not be given.

Mr. *Phinn* was heard in support of the question. The object of the examination was to show that the petition had not been got up without good grounds; the character of Mr. Cood was an important element in the consideration.

4099. Mr. *Phinn.*] Were you aware that Mr. Cood had canvassed with both the candidates?—

4100. Mr. *James.*] Did you see him, or do you know, of your own knowledge, that Mr. Cood canvassed with both the candidate?—I never saw them canvassing; I have seen Mr. Cood; I saw him one day go out of the Blue Boar, to canvass with Mr. Peacocke and Mr. Bramley-Moore. I presume he was going to canvass; he has always been an active agent.

4101. By the *Committee.*] You saw them in company together?—I saw them go from the hotel; start to Hatfield together.

4102. You only presume they were going to canvass?—I heard them say they were going into a particular district; they were just starting; in fact, I was turned out because they wanted to be off.

4103. Mr. *Phinn.*] Was the name of Mr. Oxley Parker mentioned to you as mixed up with the election; as having taken a part in the election, on behalf of Mr. Bramley-Moore and Mr. Peacocke?—I have heard frequently that he was engaged.

4104. Before the presentation of this petition, was a case mentioned to you of a butcher being got out of gaol by Mr. Oxley Parker's means?—It was.

4105. A voter?—Yes.

4106. A man named Barker?—I heard of it several times.

4107. Were you informed that a person named Carter had treated; given breakfasts and so on?—I think I had heard that.

4108. Had you heard that before you sanctioned the presentation of the petition?—No, not Carter's case. I do not recollect that.

4109. Had you heard of the employment of prize-fighters by the opposite party?—It is notorious.

4110. Had you heard it?—I had.

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4111. Were you apprised that 60*l.* was charged in the account for the employment of those men?—

4112. Mr *James.*] At that time?—For the payment and refreshment together; it was the railway expenses; the travelling expenses.

4113. Mr. *Phinn.*] Did you, with your own eyes, see a good deal of drunkenness at the Blue Boar on the day of the election?—I was not in the Blue Boar. I saw around the Blue Boar some very noisy men.

4114. Were you aware that the accounts of the candidates, Mr. Bramley-Moore and Mr. Peacocke, had been rendered jointly?—I was told so.

4115. Did you direct that counsel's opinion should be taken upon the matter before the petition was presented; did you direct counsel's opinion to be, or were you told that counsel's opinion had been taken?—We took counsel's opinion. Mr. Digby and I considered that we had better consult over the matter with a member of the profession.

4116. Was that before the petition was presented?—Decidedly, I think; yes.

4117. You were asked your motives; did you believe the petition against you to be founded upon slight grounds, or on any grounds at all?—My most conscientious belief was, that there was no ground at all, but that the most that could be made was the weakest and slenderest case, in consequence of a conversation I had heard Mr. Peacocke had made use of.

4118. Did you communicate that conversation to Mr. Bramley-Moore at any time; did you communicate Mr. Peacocke's expressions as you heard them to Mr. Bramley-Moore?—I do not recollect doing so.

4119. Did you consider that you had as good grounds for your petition as they had for theirs?—I considered that the numerous cases that were put before me in this petition were safe to unseat Mr. Bramley-Moore, and prevent Mr. Peacocke being a candidate.

4120. Was one of your objects to disqualify Mr. Peacocke in case you were unseated?—My object was to disqualify Mr. Peacocke from being a candidate for the borough.

[The Witness withdrew.

John Bramley-Moore, Esq., a Member of the House, having been sworn, was Examined by Mr. *Edwin James*, as follows:

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4121. YOU were returned for Maldon?—I was.

4122. During the election did you employ the same agents as Mr. Peacocke did?—One.

4123. Which was that?—Mr. Somerville, from London; but not the same local agent.

4124. Who was your local agent?—Mr. Hance.

4125. Who was Mr. Peacocke's local agent?—Mr. Cood.

4126. Did you employ Mr. Cood at all, or had he any authority from you in the election?—None.

4127. Either directly or indirectly?—Neither directly nor indirectly. I gave Mr. Hance a written appointment, and in that appointment restraining him from doing any illegal act whatever on my behalf.

4128. Are you aware, directly or indirectly, of any corrupt practices, or any improper expenditure of any money on your part, or by any agent of yours?—Not a farthing.

4129. With reference to this petition, when did you first hear of it; it was presented on the last day for presenting petitions to the House?—I heard of it a few days before.

4130. Had you anything to do, directly or indirectly, with the petition of Mr. Peacocke, which this Committee have been trying?—No.

4131. Directly or indirectly?—Not at all.

4132. Do you remember having a conversation with Mr. Western about this petition?—I do.

4133. Was that of a confidential character or not?—Not at all.

4134. Just state how it originated; this petition being brought forward you had nothing to do with Mr. Peacocke I understand?—Perhaps three or four days

days previous, may be more, I heard that a petition was going to be presented against me, and I mentioned it to Mr. Western: he said, yes, Mr. Digby had come up and said a petition must be presented in consequence of my agent collecting evidence on behalf of Mr. Peacocke. My answer was, the substance of it, that I had nothing to do with my agent upon the subject, that if he was employed professionally he was at liberty to serve anybody he pleased, but that I knew nothing about it, and that I did not think he would do anything of the kind without first consulting me. I wrote to him that night to inquire if he had done so, not that I had any objection to it, but to know the fact. I had an answer by return of post, assuring me that he had never taken any step whatever or been employed on behalf of Mr. Peacocke's petition, and I immediately communicated this to Mr. Western as being an unfounded statement on the part of Mr. Digby.

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4135. By the *Committee.*] Was this before the petition was presented against you, when you got Mr. Hance's answer?—The first conversation decidedly was, and my impression is that the answer was before the petition was presented.

4136. Can you put in the answer?—I cannot state positively whether it was before or after.

4137. Have you got the letter?—No, I have not; but I believe it was before the petition.

4138. Mr. *Edwin James.*] Was that the reason assigned for the presentation of the petition, to you?—That was the only one.

4139. The only reason in consequence of your agent having been employed in getting up evidence upon Mr. Peacocke's petition?—Yes.

4140. Had you anything to do with Mr. Hance at all after he had discharged his duty in the conduct of the election?—Nothing whatever.

4141. After he had discharged his duty in conducting your election, Mr. Hance, like any other solicitor, was free to act as he pleased?—Just so.

4142. Had you any control over him if he should present this petition against Mr. Western, to stop his interference?—Not the slightest.

4143. There was a question asked of Mr. Western about treating, and about some prize-fighters; just let me quite understand this point about the prize-fighters; is there a habit on the liberal side at Maldon of having in a lot of gipsies at the election?—That has been the case in former elections.

4144. Did you observe at this election shortly before the polling a number of gipsies coming into the town, or in the neighbourhood of the town?—Perhaps I had better state before I answer that question that we sent a message to the mayor to know if the gipsies were coming to the town; the answer was, he gave an assurance that they were not, and in consequence of that no steps were taken at that time to protect the voters on the blue side.

4145. That is upon the Conservative side?—No; but on the Wednesday it was reported to us that some gipsies were appearing in the neighbourhood; on Thursday, as we were driving about during our canvass, we observed ourselves several encampments of gipsies, and that they were coming nearer to the town; in consequence of this a consultation was held, and a number of gentlemen gave it as their opinion that our voters ought to be protected against the gipsies by having proper men, equivalent to what Mr. Digby described yesterday, as their conductors, men of muscle and strength to protect the voters; and it was objected to for some time both by Mr. Peacocke and myself to have any men down from London; however, it was finally decided on the Friday, that is the day of nomination, that they should be sent for, and to the best of my recollection ten men were brought down; those men were kept in a room at the Blue Boar, and there kept in in doors in case there services might be required; they never were required.

4146. Did they ever leave that room, or ever interfere at all in the election?—I saw one of them walking about the town, and only one; the one I believed to be in charge, but I am not aware that the others were out at all, I never saw them.

4147. Had those gipsies who had been in the habit of coming in and interfering with the election, been generally on the other side?—Yes; but not upon this occasion at all.

4148. Was that their object?—Of my own knowledge I cannot speak, but it is notorious.

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4149. Was there any application made to the mayor about constables before this course was taken?—There was.

4150. What was that?—I forget what it was.

4151. There was an application made?—There was.

4152. There was an application made stating that those gipsies had appeared?—I do not recollect what the answer was, except that there was nothing to apprehend.

Cross-Examined by Mr. *Phinn*.

4153. Are you aware that almost all the bills were made out jointly to you and Mr. Peacocke?—No, I have never seen an account.

4154. I believe you held your meetings in the same house, did you not; both you and Mr. Peacocke?—Yes.

4155. Was Mr. Hance there, and Mr. Cood too?—Yes.

4156. Had you any separate rooms, or were the rooms used for the common purposes of the election?—They were used for the common purposes.

4157. Did you go out canvassing with Mr. Cood and Mr. Oxley Parker?—Mr. Oxley Parker I think was with us; he canvassed part of the town with us; accompanied us; and I think he was with us one day in the country; part of the day.

4158. Was Mr. Cood constantly at the committee-room at the Blue Boar?—No, he was out a good deal with us.

4159. When he was not out with you, was he at the Blue Boar?—He was either there or in a room, engaged upon the business of the election generally.

4160. Did he keep the joint canvassing book?—I should say he did.

4161. Had you joint placards?—No.

4162. Do you mean that the placards were separate, "Vote for Mr. Peacocke," and "Vote for Mr. Bramley-Moore"?—I beg your pardon; I thought by "placards" you meant our addresses.

4163. No, the placards about the Conservative candidates, "Vote for Bramley-Moore and Peacocke"?—They were the reverse, "Vote for Peacocke and Bramley-Moore."

4164. Were you aware that Mr. Oxley Parker had been compromised before in the Maldon report?—I knew he had had to do with it.

4165. Did you know he had been reported as a briber?—I never read the particulars of his case.

4166. But did not you know the fact that he had been reported as having bribed in 1847 and 1852?—I had heard so.

4167. Were you aware that Mr. Cood had bribed in 1847 and 1852, and had been so reported by the Commission?—I was aware of it by report.

4168. Did Mr. Cood dine with you occasionally?—Yes.

4169. Almost every day?—Every day he was at liberty, and Mr. Hance also.

4170. Did Mr. Hance, in point of fact, manage the business of the election in the house, and did Mr. Cood manage a good deal of the business out of the house?—Mr. Hance most of the business in-doors.

4171. And Mr. Cood most of the business out of doors?—Yes; because I understood he had a great knowledge about the residences of the freemen who, as you are aware, are scattered all over the country.

4172. I believe Mr. Oxley Parker is a great friend of yours, is he not?—I have the pleasure to say that he is.

4173. Had not Mr. Oxley Parker your resignation in his pocket for a fortnight; did you not give it to him?—No.

4174. Did you give him any authority, or in any manner put your seat at his disposal?—No.

4175. Nothing of the kind?—No.

4176. No transactions at all like that?—No, I never placed my seat at any one's disposal.

4177. But did you authorise Mr. Oxley Parker, in certain events, to withdraw you?—No.

4178. Nor anything like it?—Never.

4179. Nor anything like it?—No.

4180. Then I am quite at fault, am I?—Quite at fault.

4181. No communication of the kind?—No.

4182. Have you not communicated with Mr. Peacocke upon the subject of this petition?—No.

4183. Not in any kind of way?—No.

4184. Never spoke to him or his advisers upon the subject?—I have, with his advisers, but only as regards my own.

4185. Did you not express to Mr. Peacocke your disapproval of this petition against Mr. Western?—I have never seen him; never spoken to him.

4186. Or to his advisers?—I cannot say that I have.

4187. Can you say that you have not?—Repeat your question, if you please, I think it is quite possible that I may have said something of the kind to his agents, but I have never been consulted about his petition.

4188. I do not ask you that question, I ask if you have not expressed to his agents your disapproval of Mr. Peacocke's proceeding in the petition?—As far as he is concerned, I say, "No." I may have said something to this effect, that perhaps it would have been as well let alone.

4189. Did you not express your opinion, that it was a very weak case, and would have been as well let alone?—No, never, till I heard it here.

4190. And then you did?—And then I did.

4191. By the *Committee.*] When you had heard the evidence?—At the close of the case.

4192. Mr. *Phinn.*] Was not this conversation with Mr. Western regarded by you as quite confidential?—Not in the least.

4193. Not in the least?—Not in the least; there was nothing confidential in it.

4194. You considered yourself quite at liberty to divulge it at once?—Certainly; in fact I mentioned it immediately without any hesitation.

4195. Did not Mr. Western tell you that the case against your side was, as he had been informed, much stronger than that against his, or words to that effect; did not he convey that to you?—No, I do not recollect such a remark.

4196. Something of that kind?—No, I do not remember.

4197. Not at any time?—No, I do not remember it.

4198. You have spoken about this letter of Mr. Hance's, will you undertake to say that you did not receive it some days after this petition was presented?—Well, it was as near about the time as might be, a day before or two days before, or it might be the day after, but it was one way or the other.

4199. I ask you, did you not receive that letter on the Monday, the petition having been presented on the previous Thursday?—I cannot give you a more decided answer than that it was about that time, and to the best of my recollection it was the day before.

4200. Have you the letter?—No, I have not.

4201. What has become of it?—Oh, I do not keep letters of that kind.

4202. Have you destroyed it?—Destroyed it.

4203. Will you undertake to say you have destroyed it?—Yes, the moment it was received.

4204. Then Mr. Hance can probably tell us when he wrote the letter?—I do not know; perhaps the Committee will permit me to assure them that I have neither by myself or by my agents, directly or indirectly, countenanced, or been guilty of any illegal act that I am aware of connected with this election.

4205. Mr. *Phinn.*] There is no imputation upon you personally, and never was from the beginning.

[The Witness withdrew.

Mr. *Edward Hance* was called in; and, having been sworn, was Examined by Mr. *James* as follows:

4206. YOU are the gentleman whose name has been mentioned as agent for Mr. Bramley-Moore, at the election?—Yes, conjointly with my brother; he had the appointment, and I acted conjointly with him.

4207. Your brother is a solicitor, and you are in his office acting in connexion with him?—Yes.

4208. Did you chiefly conduct the election business?—I did.

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4209. Are you the gentleman whose name is mentioned as one of the persons connected with this petition, as having interfered in getting up evidence for Mr. Peacocke?—Yes.

4210. Is that you or your brother?—Both of us.

4211. Did you or your brother interfere in getting up the evidence for Mr. Peacocke?—I never interfered in the slightest degree.

4212. Did your brother to your knowledge?—Not to my knowledge.

4213. Are you the gentleman who wrote a letter to Mr. Bramley-Moore?—I am not.

4214. Did you see that letter?—I did.

4215. Can you fix the date of it?—I think it was before the petition was presented; but I cannot positively say.

4216. Is that to the best of your recollection?—To the best of my recollection.

4217. Is there any truth in the statement that your brother, or yourself interfered in any way in getting up the evidence?—Not the slightest.

4218. Had you anything whatever to do with it?—Not in the slightest degree.

4219. Had Mr. Bramley-Moore?—Not in the slightest.

Cross-examined by Mr. *Phinn.*

4220. Are you Mr. Edward Hance?—I am.

4221. Are you the gentleman who is reported in Schedule (D.) of the Maldon report?—I am.

4222. That is as having bribed?—Yes.

4223. You were examined before the Commission, I think?—I was.

4224. Will you be good enough to tell me where your brother is?—He is at Maldon.

4225. Were you both at Maldon during the last election?—Yes.

4226. Did you act conjointly with Mr. Cood?—Well, I was in the room that was used for election purposes; I did not canvass with Mr. Cood.

4227. Were you at home managing the business while Mr. Cood was out with the candidates canvassing?—Yes; I was.

4228. And in daily and hourly confidential communication with Mr. Cood, were you not?—Hourly; no, certainly not; he was out the greater part of the day; I saw Mr. Cood every evening when he returned from his canvass.

4229. You had communications, I suppose, hourly when he was at home, on the subject of the election?—Certainly not hourly; very frequent communications I had with Mr. Cood, as a matter of course.

4230. Interchanged communications and information that you had received as to the two Members?—Yes; if I had any communication to make upon the subject, I did to him, and he to me.

4231. Did you pay the bills; the joint bills?—I did not pay any bills.

4232. Did your brother pay any bills?—I am not aware that he did; Mr. Somerville, the joint London agent of the two candidates, paid all the bills.

4233. Do you mean to say that you did not pay bills?—I am not aware of any.

4234. Are you not aware of what is on the table of this Committee?—I am not aware that he paid any whatever.

4235. But were you present when they were paid?—I was.

4236. Was Mr. Cood present?—He was.

4237. Did he take part in the discussion as to the payments?—Yes.

4238. Do you know that the bills were made out jointly to the two candidates?—Yes.

[The Witness withdrew.

George Wyatt Digby, Esq. was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

G. W. Digby, Esq.

4239. ARE you the Solicitor to this Petition?—Yes.

4240. Who is your client?—I consider Mr. Western my client.

4241. Are you certain he is?—I consider Mr. Western my client.

4242. Who

4242. Who is in point of fact your client; I ask you as a lawyer?—I consider Mr. Western my client.

4243. Who is to pay you?—I shall expect Mr. Western to pay me.

4244. Has he entered into an engagement to pay you?—No.

4245. Not Mr. Western?—That I am not certain of.

4246. Do not you know who your client is; who will you make out your bill to?—I cannot tell you what I shall do in future.

4247. You must know that?—I cannot tell you; it is utterly impossible for me to say what I shall do in future.

4248. Who shall you make your bill out to?—I shall consider that hereafter.

4249. Shall you make out a bill at all?—Most probably.

4250. Do you think you shall?—I very often lump these things.

4251. Will you swear you will lump this?—No, I will not swear what I shall do.

4252. If you do who shall you lump it to?—For instance———

4253. Never mind the instance, who shall you lump it to?—I cannot tell you.

4254. That you mean to swear before this committee, now attend?—I cannot tell you for certain, I will tell you who I think I shall.

4255. Who do you think you shall?—I think I shall charge it to Mr. Sutton Western, the member.

4256. That is as you may be in the humour at the moment?—No, I do not say that, it may be a matter of some deliberation.

4257. Will you swear you mean to charge anybody; have you taken it upon "no cure no pay?"—Certainly not.

4258. Will you swear you will make a charge for it?—The time has not arrived.

4259. Will you swear what you will do?—I will never swear what I will do.

4260. You cannot tell the Committee whom you shall charge for the expense of this petition?—I cannot tell for certain who the party I shall charge is.

4261. Are you not certain that you shall make some charge?—I certainly shall make some charge.

4262. When did you first contemplate this petition?—I must consider, that is a difficult question to answer unless I have my memorandum books here.

4263. Have you got anything to show that you did until after Mr. Peacocke had presented his?—I thought of it before, I did not make up my mind.

4264. Had you determined upon it until after Mr. Peacocke had presented his against Mr. Western?—Certainly; I did not determine it until almost the last, after consulting counsel.

4265. Did you give Mr. Western two reasons for presenting this petition, one in consequence of Mr. Bramley-Moore's agents having been employed in getting up evidence, and the other as a reason to induce Mr. Peacocke to withdraw his?—I did not give that as a reason; will you repeat the question slowly?

4266. Did you give as a reason, or suggest to Mr. Western as a reason, that it might induce the withdrawal by Mr. Peacocke of his petition?—No.

4267. Then if Mr. Western has stated anything of that kind it is incorrect?—I think it is.

4268. Did you give as a reason that the petition was presented in consequence of Mr. Moore's agent having been employed in getting up the evidence against you in Mr. Peacocke's petition?—I do not think I gave that as a reason for presenting it, I rather think I mentioned it.

4269. As a reason for what?—Not as a reason at all.

4270. As what?—I rather think I mentioned he had done so.

4271. Did you give that as a reason?—No, not as a reason, I believe.

4272. Will you swear that?—I believe not.

4273. Are you quite sure you said nothing about inducing the withdrawal of Mr. Peacocke's petition?—I think I did not.

4274. Are you certain?—I have not the slightest recollection of using such expressions.

4275. If Mr. Western has stated that upon oath, will you say it is incorrect?—I will not.

4276. I ask if you did?—I believe I did not.

4277. You will not state that positively you did not?—I will not.

4278. Did you bring the petition up to London?—Yes.

4279. Did you see Mr. Western with and ask him to present it?—I think I did not.

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4280. What did you do with it when you brought it up to London?—I think I gave it to my Parliamentary agent.

4281. Who is that?—Mr. Cooper; I think I did, I am not certain.

4282. Did you not see Mr. Western upon the subject before he presented it?—A great many times, I think.

4283. I ask whether you did not say to Mr. Western that a petition must be presented, because Mr. Moore's agent had been employed in getting up evidence against Mr. Western, upon Mr. Peacocke's petition?—I do not think I said anything of the kind.

4284. You will not swear you did not?—Nothing of the kind.

4285. Nothing of the kind?—I believe I did not; in fact I do not think I told Mr. Western that fact until after the petition was presented.

4286. Did you tell him after the petition was presented that that petition had been presented in consequence of that?—No.

4287. What did you say about it?—I think Mr. Western had named to me that Mr. Bramley-Moore had represented it to him as a grievance that he had presented that petition, and I said something of this kind to the best of my recollection, "Well Mr. Bramley-Moore must not complain about you, for his agents have been very active against you;" I think that was after the petition was presented.

4288. Who is the cognizee in the recognizance?—I suppose the cognizee is the Crown.

4289. Who is the cognizor?—The cognizor is Mr. Edward Western.

4290. Who is he?—He is a solicitor.

4291. Where?—Great James-street, Bedford-row.

4292. Is he the brother of Mr. Western?—No.

4293. What relation?—He is a cousin.

4294. Who applied to him to be cognizor?—I do not know.

4295. Did you?—No.

4296. Do you mean to say that?—Yes.

4297. And you do not know who applied to him?—I do not.

4298. Did you direct any one to apply to him?—I did not.

4299. Have you received any monies in advance on account of this petition: you must have been at expenditure, you know, for this petition against Mr. Bramley-Moore?—Well, I think not.

4300. Do not you know; you must know that surely?—I will tell you why I do not know it; do not be angry.

4301. I am not angry at anything?—Because I had a cheque from Mr. Western in which I think I said "Received on account of the election," and whether I said "petition" or "petitions" I really do not know.

4302. Nobody can know better than yourself; have you received any monies or any advances on account of this petition against Mr. Bramley-Moore?—Certainly not specifically on account of this petition.

4303. That you mean to say?—Yes; certainly not.

4304. By the *Committee.*] Have you received money on account?—I have received money on account from Mr. Western, but certainly not enough to pay the prior petition.

4305. Then you have got the lump to come; this is only a portion of it; you told us just now you meant to lump it?—I said I sometimes do so.

4306. You have received some money on account?—I have received some money on account; I do not say I have received some money on account of this petition; I have received some money on account from Mr. Western; I do not say it is on account of this petition.

4307. Is it on account of the election in any way?—Yes.

4308. Is it on account of the other petition?—Yes, but a very small amount.

4309. Has a receipt been taken for the money?—A receipt has not been taken for the money; I think I might have written a letter, acknowledging the receipt of it.

4310. Have you mixed up the account with Mr. Western for both petitions, the one defending his own seat, and the other impeaching that of Mr. Bramley-Moore?—I think I have not; but I have a letter in my possession which can tell you in five minutes. Mr. Western sent me a cheque, and I said, "I acknowledge the receipt of so much money, on account of the election petition; "whether I said "petition" or "petitions," I really do not know, but my letter would prove.

4311. Mr. *Edwin James.*] Cannot you, as a solicitor, tell this Committee whether you have received, conjointly with any advance, any sum of money applicable to the conduct of the petition against Mr. Bramley-Moore?—My belief is that I have not, but I am not certain; but I tell you I can satisfy you very shortly.

4312. By the *Committee.*] But that cheque is entirely relative to the two petitions?—No, it is on account of the election as well.

4313. Have you not been paid, through the hands of the election auditor, your bill for the election itself?—No; I was the agent for the election expenses.

4314. Therefore you pay yourself?—The agent for the election expenses ha to pay everything.

4315. And, amongst others, you paid yourself?—Yes; I was bound to do so by the Act.

4316. Mr. *Edwin James.*] Have you done it?—Yes.

4317. By the *Committee.*] The Committee want to know whether that sum you have received was for the election expenses, or for the petitions; one or both?—Partly one, and partly the petition or petitions.

4318. Mr. *Edwin James.*] You have charged 100 guineas in the account, for the election, and been paid?—Yes, that is included in the sum; 422 *l.* is the account.

4319. Mr. *Edwin James.*] You drew this petition, did you not?—I drew it roughly.

4320. Who drew it smoothly?—Mr. Bushby assisted me in it.

4321. He is a relative of Mr. Western's, is he not?—He is a relative of Mr. Western's, but still I did not apply to him as a relative; I applied to him as a barrister-at-law.

Cross-examined by Mr. *Phinn.*

4322. Did you *bonâ fide* believe you had good grounds for petitioning against Mr. Bramley-Moore?—Certainly.

4323. Had you consulted counsel upon the subject?—Yes.

4324. Had you consulted one of Her Majesty's counsel on the subject of the petition against Mr. Bramley-Moore?—I think not.

4325. Do you recollect?—I am not sure whether I mentioned this petition to Mr. Montague Smith, or not.

4326. Had you a consultation upon the whole case of the election generally?—Yes.

4327. Do you recollect whether this was part?—I am not aware that it was.

4328. Had you consulted with Mr. Bushby?—Undoubtedly.

4329. Had you been apprised of evidence with regard to Charles Gill's case?—Yes.

4330. Before you presented this petition?—Yes.

4331. Had you been apprised of evidence with regard to Barker's case?—Yes.

4332. And the release of the man from Chelmsford jail?—I went to the jail myself.

4333. You went to the jail and made the enquiries?—Yes.

4334. Were you advised that the great difficulty of the case was fixing Mr. Oxley Parker's agency?—Yes that was one great difficulty.

4335. But as to the main facts of the case, did you anticipate any?—None whatever.

4336. I believe you are not best pleased with me for withdrawing it?—I protested against it, and looked rather angry; I was against presenting the petition at first.

4337. You say you were against presenting it at first; what made you afterwards go on with it?—I got more complete evidence of Mr. Oxley Parker's agency, and I thought better evidence of the facts; more cases.

4338. Had you a case also of treating with reference to a man named Carter?—Treating by Mr. George Carter.

4339. Were you advised there was a difficulty in proving his agency?—Yes.

4340. Did you, in viewing the facts that you had as against Mr. Bramley-Moore, consider

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consider that you had as good a chance as they had against you?—I thought I had a much better; I thought there was no doubt about it after the hesitation of the Committee about Mr. Western's case.

4341. Were you advised in point of law upon the authority of the Ipswich case, that each candidate, who acts jointly, is liable for the act of the other?—Yes.

4342. Had you taken pains to ascertain that?—I had; I have read every election case that has been tried.

4343. Did you know that Mr. Cood, Mr. Hance, and Mr. Oxley Parker had been active in the election of Mr. Bramley-Moore?—Yes.

4344. At the time you presented the petition?—Yes.

4345. Had you attended the meetings of the Maldon commission?—Yes.

4346. Were you aware of the result of that commission?—Yes.

4347. I ask generally, did you *bonâ fide* believe you had a good case against Mr Bramley-Moore?—Certainly, I felt confident of it.

4348. I believe that is your opinion still?—Yes, and that you have done wrong in withdrawing it.

4349. It was not "no cure, no pay," was it?—Certainly not.

4350. You heard the intimation as to Gill, of the Right Honourable Chairman?—Yes.

4351. Had you reason to believe before he presented himself for examination here, that he was a witness in whom confidence could be placed?—I had.

4352. By the *Committee.*] Were you still of that opinion when you heard his evidence in this room?—It is qualified.

4353. Very much?—Very much, but you have not heard all perhaps, or else perhaps you would not qualify it to the extent you appear to do; he had signed a paper, but it is quite clear to me he did not understand the effect of that paper; he had signed it, but it was not read over to him properly.

[The Witness withdrew.

Mr. *James* summed up the evidence.

Mr. *Phinn* was heard against the application for costs.

The Committee-room was cleared.

After some time the counsel and parties were again called in.

The *Chairman* stated that the Committee had come to the following resolutions?

"That John Bramley-Moore, Esquire, is duly elected a Burgess to serve in the present Parliament for the borough of Maldon.

"That the petition presented against the return of the said John Bramley-Moore, Esquire, is frivolous and vexatious.

"That the said petition was presented chiefly with the view of inducing other persons to withdraw the petition presented against the return of Thomas Sutton Western, Esquire.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions of the Evidence; and those following *Ev. p.* to the Page thereof.]

A.

Accounts:

1. *Generally.*
2. *Particulars relative to an alteration in one of the Accounts sent in.*

1. *Generally:*

The accounts have not yet been advertised, *G. W. Digby* 2968-2974——Examination upon various items in the accounts, *ib.* 3025-3034——Witness gave the same facilities of access to the accounts to the Conservatives as he did to the Liberals, *G. E. Digby* 3714-3716——There is no ground whatever for the imputation that witness tampered with the accounts; witness was complimented on the manner in which he kept the accounts, *ib.* 3717-3719——Mr. Somerville the London agent paid all the bills, *Hance* 4231-4238.

2. *Particulars relative to an alteration in one of the Accounts sent in:*

Witness keeps the King's Head, at Maldon; had an account against Mr. Western; witness delivers in his books showing the particulars of this account, *Landsell* 2266-2273——Explanation of various items in this account for horse hire, booked to Mr. Warriker, Mr. Digby, and Mr. Baxter, *ib.* 2274-2280——Particulars relative to witness having booked one of these items to Mr. Baxter, and as to Mr. Digby's having sent the account back to witness to make out a fresh bill, leaving the name of Mr. Baxter out, and merely inserting the date, *ib.* 2281-2327——Explanation of the reasons why Mr. Landsell was requested to alter his bill in respect of carriage hire, *G. W. Digby* 3015-3024. 3091-3134; *G. E. Digby* 3764-3791.

See also *Election Auditor.* *Expenses of the Election.*

Agents:

1. *For Mr. Western.*
2. *For Mr. Moore.*

1. *For Mr. Western:*

Witness is a solicitor carrying on business at Maldon; is town clerk for the borough, *G. W. Digby* 2924-2926——Was agent for Mr. Leonard for 20 years, and after his death acted as agent for Mr. Western, *ib.* 2927-2934——Witness conducted the election solely, *ib.* 2957——Has always been on what is called the "Yellow side," *ib.* 3065-3068.

2. *For Mr. Moore:*

Witness employed the same London agent as Mr. Peacocke, but not the same local agent; Mr. Hance was witness's local agent, and Mr. Cood Mr. Peacocke's, witness did not employ Mr. Cood at all, *Moore* 4122-4127——How far witness's and Mr. Peacocke's local agents acted jointly in the election proceedings, *ib.* 4153-4181——Witness, conjointly with his brother, acted as agent for Mr. Bramley-Moore at the late election for Maldon; witness chiefly conducted the election business, *Hance* 4206-4208.

See also *Digby, Mr.* *Riley, Mr.* *Petitions.*

Allen, George. (Analysis of Evidence.)—Licensed hawker; lives at Maldon, 1678, 1679——Just previously to the last election witness was sent for by Mr. Digby and was appointed by him a conductor of the election, 1680-1686. 1815-1818. 1847-1850——Witness was to go out and see whether there was any treating going on by the other party, 1686——Witness first went to Rimsall and Danbury, went to Wiggins's beer-shop to see if there was any treating going on, 1687-1692——While witness was there he treated three or four persons to drink, and asked them to vote for Mr. Western, 1693-1704——

Report, 1857—*continued.*

Allen, George. (Analysis of his Evidence)—*continued.*

1704——Witness has had no money from Mr. Digby; the only money he has received was 1 *l.* from Mr. Spurgeon to go up to Westham to fetch a voter, 1706–1722.

How far witness canvassed any voters on the day of the election; went to the Wellington to try if he could catch any voters, 1723–1745. 1768, 1769——Saw a great many people sitting, drinking, and so on, at the Wellington, 1729. 1746–1760——Witness treated a man of the name of Webb to some beer, and asked him for his vote, but he would not promise, 1730–1743. 1770–1774. 1931–1940——The only person to whom witness mentioned the circumstance of his having tried to catch voters on the election day was Mr. Henry Harridance, 1775–1782——Witness canvassed a man of the name of Collis; he wanted 3 *l.* for his vote, and witness referred him to Mr. Harridance, 1783–1796.

Other public-houses to which witness went on the day of the election; went to look after voters, 1797–1814——Witness received orders from Mr. Gill to fetch some of the out-lying voters, 1818–1846——Although witness has received no money from Mr. Digby, he considers he has been paid by him to the extent of 4 *l.*, as he passed witness through the Insolvent Court, and allowed him 4 *l.* as a set off against his claim, 1851–1867. 1871–1876——Witness canvassed a man of the name of Farrow; reference to his having stated that he would not vote unless he got 15 *s.* for his expenses; he voted against Mr. Western, 1877–1898.

When witness was first employed by Mr. Digby, to go and watch whether the other side were treating; he had particular instructions not to give any one anything, 1914–1916. 1946, 1947——Witness was to have 7 *s.* 6 *d.* a day, 1917–1920——Witness has not been to anybody to say what he could say before he came here, 1921–1930——The duty of a conductor (a term well known at Maldon), is to conduct voters up to the poll; evidence as to the other side having had some prizefighters down, 1941–1944——Witness was not told to canvass voters, but always did so when he was employed, 1945–1948.

[Second Examination.]—Witness has been asked by Mr. Cood what evidence he could give before this Committee, but witness would not tell him; nothing was said about 7 *l.* or 10 *l.*, 2464–2485

Alen, Mr. Witness once saw George Allen in the passage of the Wellington publice-house; but did not see him canvass any voters, nor treat anybody, *Rebecca Wright* 3408–3417.

See also *Canvassers.*

Andrews, Jacob. (Analysis of his Evidence.)—A voter living at Maldon, 1998, 1999——Was employed by Mr. Digby at the last election to go into the country and see whether there was treating amongst different people, 2000, 2001. 2135——Went twice to Tollesbury; did not see any treating going on there; witness was too poor to treat anybody himself, 2002–2005. 2139——Witness went to the Queen's Head, in Tollesbury, and had a pint of beer; may have asked a man of the name of Payne, and a man of the name of Howe to drink with him; but did not ask them about their votes; never asked about none at all, 2006–2027. 2039–2048. 2136–2138——Mr. Baxter and one of the Mays came to him while witness was there; Mr. Baxter told witness he had better look out, 2028–2036.

After the election witness received 3 *l.* 15 *s.* for his services, 2037, 2038——Witness did not tell Howe and Payne his business, but said he was down after some Welsh oysters, 2049–2051——During the polling-day witness went into several public-houses to see if there was any treating going on; saw no eating and drinking going on at the Wellington, 2056–2106. 2134——Witness did not see any treating going on anywhere, 2061, 2062. 2121–2130——Witness did not speak to Payne about his vote on the day of the polling, 2107–2119—The arrangement was that witness was to have 7 *s.* 6 *d.* a day; this arrangement was made with Mr. Digby through Mr. Allen, 2131–2133. 2140–2144——Witness never told Charles Fitch that he was employed by Mr. Digby on the day of the election to go and talk to the voters, and give them a pint or two of beer, 2145–2149.

Austin, Giles. (Analysis of his Evidence.)—Voter for Maldon, 3596——Was at the Wellington on the election day with six or seven other persons, voters and non-voters; not one of the party had a drop but what they paid for, 3597–3623.

B.

Barker, Mark. (Analysis of his Evidence.)—Was at Maldon on the last election day, 1410——Knows Mr. Joseph Riley; saw him at the Wellington; does not exactly know what he was doing, 1411–1414. 1418——Evidence as to witness having asked Mr. Riley for some refreshment, and as to Mr. Riley having taken witness up to the bar, and told the landlady to give him some, 1415–1417. 1419. 1422, 1423——Witness had been a voter before, but was not on the list this time, 1420, 1421. 1483–1488——Witness went into one of the parlours, and had something to eat and drink; several persons were in the parlour doing the same; saw Nichols, Webb, and Turner there, 1424–1455. 1459–

Report, 1857—*continued.*

Barker, Mark. (Analysis of his Evidence)—*continued.*

1459–1462——Stayed there about two hours; did not see Mr. Riley after he had had these refreshments, 1446. 1463–1465——Did not pay for anything he had, nor did he see any one else pay, 1456–1458. 1466–1477——Went to the Wellington because he had a fancy to go there; no one told him to go, nor did he know that eating and drinking was going on there till he got there, 1489–1510.

Baxter, Charles. (Analysis of his Evidence.)—Confectioner, living at Maldon, 2486——Recollects being at Tollesbury, about the 14th of March, when Mr. Western was canvassing there, 2487–2490——Knows a man of the name of Bowles, and also a man of the name of Chatterson; went with them to the King's Head at Tollesbury, and had some spirits and water; they each paid for what they had; paid the money to Miss Payne; witness paid for Bowles in the first instance, as Bowles had no change, but he afterwards changed a half-sovereign and paid witness, 2491–2518, 2519–2580. 2592——Witness was canvassing at the time with Mr. Western, but he did not go into the King's Head, 2519–2523——Witness had no money whatever from Mr. Digby, 2581–2583.

Witness hired a horse and cart to go to Tollesbury; he went for the purpose of canvassing for Mr. Western, 2593–2604. 2608–2610——Mr. Henry May was at the King's Head, while witness, Bowles, and Chatterson were there, 2605–2608——The first time witness has since heard of his having been to the King's Head drinking with Bowles and Chatterson, was when Mr. Cood served witness with the Speaker's warrant; witness has never spoken to any one about it, 2620–2638——Witness had heard that Miss Payne, of the King's Head, had stated that he had treated Bowles and Chatterson, and witness supposed that that was what he was to be examined about here, 2639–2663.

Witness has been examined on this subject the evening before his arrival in town, and what he stated was taken down in writing, 2664–2671——Witness was examined by Mr. George Digby, who told him Miss Payne had said that he had treated Bowles and Chatterson, and witness denied it, and told him about the changing the half-sovereign, 2676–2718——Witness has talked about this to other people before he saw Mr. Digby, 2719–2746.

Witness has no recollection of saying to Betsey Payne, when he paid her, that he placed confidence in her, 2747–2755——Witness's canvassing was confined to Tollesbury; went there twice; is not aware whether George Allen was a canvasser, 2756–2763——Has not paid for the horse and cart he hired, and does not know that he shall, without the innkeeper comes to him for the money, 2764–2794. 2805–2814——Does not know that it has already been paid for, 2795–2797——There was no concealment about witness having this brandy and water at the King's Head with Bowles and Chatterson, 2815–2820.

Baxter, Mr. See *Accounts,* 2. *Conductors. Horse Hire. Treating,* 4.

Blank, Ann. (Analysis of her Evidence.)—Lives at Maldon, next door to what was considered as Mr. Western's committee-room; knows Mr. Riley, of Woodham Walter; has seen him go in and out of this room several times, 862–866. 868–874. 876–884——Knows a public-house called the Duke of Wellington; has never seen Riley there, 867–875.

Bowles, James. (Analysis of his Evidence.)—Master oyster-dredgerman, living at Tollesbury, 2821–2825——Knows Charles Baxter; recollects his coming to Tollesbury about a fortnight before the election, 2826–2829——Went with him and a man of the name of Chatterson to a public-house, and had some brandy and water; Baxter paid for it in the first instance, and witness afterwards sent out and got change, and paid him again for what he and Chatterson had, 2830–2843. 2900–2923——Baxter did not treat witness, he had not a farthing's worth of anybody's treat, 2844, 2845.

Witness is a freeman of Maldon; plumped for Mr. Western; believes most of the freemen at Tollesbury plumped for him, 2846–2851——Did not get any of the coals that were given away; most of the persons who got them were not freemen, 2852–2859——Witness promised to give Mr. Western his vote the first time he asked him; this was three or four weeks before he went to the King's Head with Baxter, 2857–2859.

Witness heard it afterwards talked about that he had been treated by Baxter; and he then stated that he had paid for what he had, 2860–2864——Has never told this to any one, nor has he ever made any statement about it that has been taken down in writing till he saw Mr. Digby just before coming up to town, 2865–2887——Mr. Digby did not tell witness that Betsy Payne had been examined, 2888, 2889——Witness came up in the same carriage with Baxter, but did not talk about what he was coming up to tell, 2890–2899.

Breakfasts. Instances of witness having cautioned employers against giving breakfasts to their labourers on the morning of the election, *G. W. Digby* 2995–3000——As regards a breakfast given by Mr. Clark, Mr. Alfred May's bailiff, to some of the men, witness never told Maria Ward, the wife of one of them, that if any inquiry was made about it to take no notice, or not to say anything, *ib.* 3255–3284——Witness is bailiff to Mr.

Report, 1857—*continued.*

Breakfasts—continued.

Alfred May at Off Hand Farm, *Clark* 3792——Witness gave a breakfast there on the election morning to about twelve persons; had no authority from his master to do so; witness paid for the victuals himself, *ib.* 3793 *et seq.*

Witness has a farm at Totham, called the Off Hand Farm, *May* 3864——Thomas Clark is bailiff there, *ib.* 3865——Did not give Clark any authority to give a breakfast there on the morning of the election, nor did he know he was going to do so; witness has not paid anything in respect of it, nor does he intend doing so, *ib.* 3866-3874.

Bribery. Witness was canvassed by Mr. Riley, and some conversation took place relative to some repairs to Woodham Walter Church, and witness was promised the job if he voted for Mr. Western, *Gozzett* 594-604. 617-626——Witness did not promise; but voted for Peacocke and Western, *ib.* 599-616——Witness sent in a contract for the job, but has not got it; Mr. Riley, who is churchwarden, will not let him have it, *ib.* 599-607. 617-626. 647-649——Witness saw Mr. Riley standing opposite the Duke of Wellington when he went up to vote, but did not speak to him; witness went into the Duke of Wellington; there were not many people there, *ib.* 608-615——Witness has only mentioned the circumstances connected with the job for the church repairs, since he has understood that Mr. Riley said that witness's contract was too high, *ib.* 627-649.

Witness knows a man of the name of Thomas Chaney; witness wrote a letter for him at his request to Mr. Bentall, asking for 10*s.*; after witness had written this letter, he had no communication with Chaney's daughter on the subject, *Gill* 658-671. 675-678. 725-727——Witness has not received anything for his vote, nor has been promised anything, *ib.* 732, 733——Witness is daughter of Thomas Chaney, a voter for the borough of Maldon, *Mary Chaney* 734, 735——Recollects her father sending her in March last with a letter to Mr. Bentall, *ib.* 736-739——Her father told her it was to ask Mr. Bentall to lend him 10*s.*, and, if he lent it, she was to lay it out in groceries, which she did; witness did not show the money to any one, nor did she tell a man of the name of Gill that she had got any money from Mr. Bentall, *ib.* 740-761——It was about a fortnight after the election witness went to Mr. Bentall's for the money; had never known her father borrow money of him before, *ib.* 762-768.

Evidence as to witness having been canvassed for Mr. Western by Mr. Riley; witness stated he would not give any answer; observation made upon this by Mr. Riley, that if witness would promise him his vote, he would let him have his flour a shilling a bushel cheaper than what the custom of the country was, *Webb* 888-899. 919-926——Was at Maldon on the day of the election; went to the Duke of Wellington public-house, and saw several voters there; witness had some beer there, *ib.* 900-913——Witness voted for the two blues; has always been a blue, *ib.* 914-918——Witness canvassed a man of the name of Collis; he wanted 3 *l.* for his vote, and witness referred him to Mr. Haindanie, *Allen* 1782-1796——Resolution of the Committee, that it was proved to them that Joseph Riley attempted to bribe Henry Gozzett by the promise of a contract for work at a church of which Riley was churchwarden, *Ev. p.* 120——And that the said Joseph Riley offered to bribe Thomas Webb by the promise of a supply of flour for one year under the mark et price, *ib.*

See also *Petitions.* *Treating.*

Brightwell, John. (Analysis of his Evidence.)— Was in Maldon on the day of the election; has not a vote; knows a man of the name of John Turner a voter; went with him to the Wellington, 927-231——Knows Mr. Western; evidence in detail relative to a conversation witness had with Mr. Western relative to Turner's vote, and as to Mr. Western having asked witness whether he was a-dry, and telling him to go to the Wellington to get something to drink; witness went in with Turner, and saw a great many people drinking; did not pay for what he had, nor did he see any one else pay for what they had, 932-984.

Witness had seen Mr. Western many times before, but had never spoken to him before, 985-992——Will swear that it was before four o'clock that Mr. Western spoke to him, 993-1001——Turner was with witness when Mr. Western spoke to him, and several people were near, 1002-1016——Witness does not know that he should know Mr. Western now (*the Witness was requested to point out Mr. Western, but could not do so*); cannot swear that he ever saw Mr. Western before the polling-day, 1017-1037. 1044-1048. 1050-1058——Mentioned the conversation he alleges he had with Mr. Western to Dr. Baker, of Maldon Hall, the same evening, 1038-1043. 1049.

Bringing up Voters. Witness's husband went up to vote in a van, which started from Bowles's public-house, *Mary Ann Farrow* 299-305——He voted for Western; he always voted for the Yellows before, *ib.* 306-308——Witness came into Maldon with the out-voters from Little Baddow, *Scotchman* 1663-1669——Witness received orders from Mr. Gill to fetch some of the out-lying voters, *Allen* 1818-1846——A carriage fetched witness to take him to the poll, but he does not know where it came from, nor whom the parties were that went with him, *Lewis* 2237-2239. 2246, 2247. 2249.

See also *Conductors.* *Horse Hire.*

Brown,

Report, 1857—*continued.*

Brown, Joseph. (Analysis of his Evidence.)—In March last witness was in the employment of Mr. Chamberlain, near Chelmsford; was hired to drive a phaeton for the purpose of conveying voters from Chelmsford to Maldon, 821-823——Drove Mr. Riley, the miller, of Woodham Walter, to Little Baddow, to fetch some voters, 824 *et seq.*——Evidence relative to his fetching two voters and taking them by Mr. Riley's directions to the Wellington in the first instance, afterwards taking them up to the poll, and then back to the Wellington and taking them home to Baddow in the evening, 826-851. 855-858——Witness went into the Wellington; there were a few people there, but witness did not see much drink, 852-854——Mr. Riley was the party whogave witness directions on that day, 859——Witness took two or three other voters up the poll, 860, 861.

C.

Candidates. Witness's father has a large hereditary property in the immediate vicinity of Maldon, *Western* 3898-3902. 3994-3997——On the death of the late Mr. Lennard, witness became a candidate for the borough; issued his address in about three or four weeks after his death, and began his canvass in the month of October last; a requisition was presented to witness upon the issue of his address, *ib.* 3903-3906.

See also *Coals, Distribution of.*

Canvass. Witness's son conducted the canvass, and witness kept the returns after his son reported them, *G. W. Digby* 2960-2962. 3086.

Canvassers. Witness does not recollect seeing George Howe with Mr. Western canvassing, *Farrow* 297, 298——Witness was examined for his vote by Mr. Western; parties who were with him at the time; Mr. G. Howe was not amongst them, *Martin* 335-342——Witness was canvassed by Mr. Western a few days before the election; Mr. Digby's son, Mr. Richard Pledger, Mr. Smith, and several others, were with him; Mr. Riley was not with them, *Gozzett* 589-592——Witness remembers Mr. Western canvassing him, young Mr. Digby and Mr. Henry May were with him; does not remember Mr. Bentall being of the party, *Gill* 652-657.

Witness was canvassed by Mr. Riley for Mr. Western, but had previously promised his vote personally to Mr. Western, *Nicholls* 1271-1292——Witness was canvassed by Mr. Western shortly before the election; Mr. Riley was not with Mr. Western, nor did Riley ever ask witness about his vote, *Prior* 1373-1377. 1390-1393. 1399-1404——How far witness canvassed any voters on the day of the election; went to the Wellington to try if he could catch any voters, *Allen* 1723-1745. 1768, 1769——Witness was canvassed by Mr. Western; Mr. Edwin May was with Mr. Western at the time, *William Ward* 2385-2394——Witness's canvassing was confined to Tollesbury, went there twice; is not aware whether George Allen was a canvasser, *Baxter* 2756-2763.

Witness canvassed at the request of his father, *G. E. Digby* 3736-3742——Opinion that there was no one better qualified than himself to go round with Mr. Western, as he knew all the voters' addresses, *ib.* 3743——Witness did not ask any one for their votes; he merely introduced Mr. Western, *ib.* 3746——Witness did not receive any reports from the canvassers; witness reported to his father what he himself did, but not what other canvassers did, *ib.* 3747-3754——Mr. Henry May went once or twice to Tollesbury canvassing, *ib.* 3755——Both witness and his brother Henry have canvassed several times with Mr. Western, *May* 3880-3894——Names of the principal gentlemen who attended witness on his different canvasses, *Western* 3959-3983.

See also *Agents. Contractors. Ellis, Mr. Riley, Mr.*

Cater, James Thomas. (Analysis of his Evidence.)—A shoemaker; was door-keeper of the rooms where Mr. Western's friends met at Maldon; was put there by Mr. Digby, with instructions not to allow any one there whom he considered not on business, 3701-3704. 3706-3710——Did not see Mr. Riley there during the election day, 3705.

Chaney, Mary. (Analysis of her Evidence.)—Daughter of Thomas Chaney, a voter for the borough of Maldon, 734, 735——Recollects her father sending her, in March last, with a letter to Mr. Bentall, 736-739——Her father told her it was to ask Mr. Bentall to lend him 10*s.*, and if he lent it she was to lay it out in groceries, which she did; witness did not show the money to any one, nor did she tell a man of the name of Gill that she had got any money from Mr. Bentall, 740-761——It was about a fortnight after the election witness went to Mr. Bentall's for the money; had never known her father borrow money of him before, 762-768——Her father had worked for Mr. Bentall for many years, 763-765.

Clark, Thomas. (Analysis of his Evidence.)—Bailiff to Mr. Alfred May, at Off Hand Farm, 3792——Witness gave a breakfast there on the election morning to about twelve persons; had no authority from his master to do so; witness paid for the victuals himself, 3793, *et seq.*

Report, 1857—*continued.*

Clark, Mr. See *Breakfasts.*

Clerks. See *Doorkeepers.*

Coals, Distribution of. Witness resides at Tollesbury, about seven miles from Maldon; is a freemen of the borough, *Lewis* 8–10——Knows a man by the name of George Howe; witness received a message from him that he was to go to Bocking's; went there, and saw Howe and Bocking, and by Howe's order received one cwt. of coals, *ib.* 11–20. 24–29——At the time witness got the coals, nearly all the poor of Tollesbury got them; witness had no thought about the election at that time, *ib.* 21–23. 109–125——Witness understood from Mr. Howe that two maiden ladies from Maldon had sent him 10 *l.* for the coal, *ib.* 30–37——Witness was canvassed by Mr. Western and Mr. Bramley-Moore after he got the coals, *ib.* 50–60. 74.

In the month of January last witness superintended the business of Mr. Bocking, a coal merchant at Tollesbury, *Harvey* 127——Witness knows a person of the name of George Howe, and had some conversation with him about some coals, *ib.* 128–131——In consequence of this conversation, about ten tons of coals were provided by witness's employer, Mr. Bocking, *ib.* 132–137——System adopted in giving away these coals; other persons had them as well as freemen, *ib.* 138–143. 181–194——Mr. Howe was present when the coals were distributed, and paid for them by a cheque for 10 *l.*; it was not drawn by Howe, *ib.* 144–147——From what passed, witness gathered that the cheque paid for the coals came from Mr. Western, *ib.* 174–179.

Recollects Mr. Western coming to canvass her husband for his vote in January last; Mr. Digby was with him, *Sarah Rice* 207–213——Mr. Western called a second time with Mr. Howe; at this time it was mentioned that witness's husband had had some coals; witness had received about a ton and a half, *ib.* 214–229. 254–257——There was a report that the coal was Mr. Western's gift, *ib.* 230——Witness had never received any coals before this time, *ib.* 235–239.

Evidence as to witness having received some coals at Bocking's in the month of January last; Mr. Howe was present, and had a list of the persons who were to have them, *Mary Ann Farrow* 261–283——Witness's husband was canvassed by Mr. Western, but the coals were given away long before this; Mr. Chatterton, Mr. Bowles, and Mr. May were with Mr. Western; witness's husband did not promise Mr. Western, *ib.* 284–298——Witness's husband was at sea when the coals were given away; circumstances under which witness got a half hundred weight on the second day they were given away, *ib.* 309–313——Many other persons besides freemen got the coals, *ib.* 314, 315. 320–323.

In the month of January witness was told by Mr. George Howe that there were some coals to be given away, and if witness liked, he might have one cwt.; witness went for them to the Plough and Sail; a boy measured them; George Howe was not present, *Martin* 326–334——Witness understood the coals were given by Mr. Western; they were to be given amongst the poor and needy, *ib.* 343–348——Witness did not get any of the coals that were given away; most of the persons who got them were non-freemen, *Bowles* 2852–2856——Witness has known candidates for the representation of Maldon distribute coals in Tollesbury, *G. W. Digby* 3074–3085. 3282–3291.

Collins, William. (Analysis of his Evidence.)—Is a Maldon voter; lives at Little Totham; drove into Maldon, in his own cart, on the day of the election; drove to the White Lion; had some refreshment, and paid for it, 2328–2336. 2350.

Committee Rooms. Witness lives at Maldon, next door to what was considered as Mr. Western's committee-room; knows Mr. Riley, of Woodham Walter; has seen him go in and out of this room several times, *Ann Blank* 862–866. 868–874. 876–884——Mr. Riley never came to the rooms that were used for the purposes of the election more than once or twice, *G. W. Digby* 3137. 3175–3181——Lengthened examination relative to a charge in the account for putting up one dozen of hat-pins in the room used for the purposes of the election; purpose for which they were put up, *ib.* 3310–3343.

Witness was in charge of Mr. Western's rooms when Walliker, the messenger, was not there; witness hired the rooms and had the fitting of them up, and charged for them afterwards; was at the rooms daily, *Spurgeon* 3640, 3641. 3649–3657——The parties who were there principally were Mr. Digby and his son, Mr. Henry May, Mr. George May, and Mr. John Payne, *ib.* 3659–3675. 3680–3686. 3692–3695. 3699——Witness has seen Mr. Charles Baxter there, *ib.* 3696–3698——Has seen Mr. May once or twice during the canvass at the rooms used for the purposes of the election, *G. E. Digby* 3756–3759.

Witness went a few times to the room used for the purposes of the election, but always disclaimed it as a committee-room, *Western* 3984–3993——There was no committee-room from beginning to end, *ib.* 3994.

See also *Doorkeepers.* *Riley, Mr.*

Report, 1857—*continued.*

Committees. No committee was organised or formed for Mr. Western's return; the business of the election was carried on in some rooms witness hired for the purpose, *G. W. Digby* 2956. 2958, 2959. 3138–3150.

Conductors. Witness is a licensed hawker; lives at Maldon, *Allen* 1678, 1679——Just previously to the last election, witness was sent for by Mr. Digby, and was appointed by him a conductor of the election, *ib.* 1680–1686. 1815–1818. 1847–1850——Witness was to go and see whether there was any treating going on by the other party, *ib.* 1686——Witness first went to Runsall and Danbury; went to Wiggins's beershop, to see if there was any treating going on, *ib.* 1687–1692——Whilst witness was there he treated three or four persons to drink, and asked them to vote for Mr. Western, *ib.* 1693–1704——Witness treated a man of the name of Webb to some beer, and asked him for his vote, but he would not promise, *ib.* 1730–1743. 1770–1774. 1931–1940——Other public houses to which witness went on the day of the election besides the Wellington; went to look after voters, *ib.* 1797–1814.

When witness was first employed by Mr. Digby to go and watch whether the other side were treating, he had particular instructions not to give any one anything, *Allen* 1914–1916. 1946, 1947——Witness was to have 7*s.* 6*d.* a day, *ib.* 1917–1920——The duty of a conductor (a term well known at Maldon) is to conduct voters up to the poll; evidence as to the other side having had some prize-fighters down, *ib.* 1941–1944——Witness was not told to canvass voters, but always did so when he was employed, *ib.* 1945–1948.

Witness was employed by Mr. Digby at the last election to go into the country and see whether there was treating amongst the people, *Andrews* 2000, 2001. 2135——Went twice to Tollesbury; did not see any treating going on there; witness was too poor to treat anybody himself, *ib.* 2002–2005. 2139——Witness went to the Queen's Head, in Tollesbury, and had a pint of beer; may have asked a man of the name of Payne, and a man of the name of Howe to drink with him, but never asked them about their votes; never asked about none at all, *ib.* 2006–2027. 2039–2048. 2136–2138——Mr. Baxter and one of the Mays came to witness whilst he was there, *ib.* 2028–2036——After the election witness received 3*l.* 15*s.* for his services, *ib.* 2037, 2038——The arrangement was that witness was to have 7*s.* 6*d.* a day; this arrangement was made with Mr. Digby through Mr. Allen, *ib.* 2131–2133. 2140–2144.

Witness remembers Jacob Andrews coming to Tollesbury about a fortnight before the election, *Samuel Payne* 2157, 2158——First saw him in the tap-room of the King's Head, kept by witness's mother; he was a perfect stranger to witness, but having asked witness to drink with him, he went into the tap-room and did so; he also asked William Howe to drink, *ib.* 2162–2171. 2176——Particulars relative to a man of the name of Charles Baxter being there at the time, *ib.* 2172–2174——Whilst witness was drinking with Andrews, he (Andrews) said he had come down after Welsh oysters; witness thought it a curious expression; did not know what it meant, *ib.* 2190–2193——Nothing was said with reference to witness's vote, *ib.* 2194——It has always been the practice at Maldon to appoint conductors to take the voters up to the poll; number witness appointed, *G. W. Digby* 3001–3009——Evidence as to witness's appointing Allen a conductor, and giving him instructions to watch if there was any treating going on at the public houses, *ib.* 3008–3014.

Conveyance of Voters. See *Bringing up Voters.*

Cood, Mr. During the business of the election witness had frequent communication with Mr. Cood, but did not canvass with him, *Hance* 4224–4230——*See* also *Agents,* 2.

Corrupt Practices. Witness gave Mr. Digby strict injunctions not to proceed to any illegal practices, *Western* 3916, 3917——Witness is not aware of any corrupt practices on his part or the part of his agents, *Moore* 4128.

See also *Bribery. Illegal Practices. Treating.*

D.

Digby, George Edward. (Analysis of his Evidence.)—Son of Mr. George Wyatt Digby, town clerk of Maldon, 3711——Witness is election auditor; kept the accounts, 3712, 3713——Gave the same facilities of access to the accounts to the Conservatives as he did to the Liberals, 3714-3716——There is no ground whatever for the imputation that witness tampered with the accounts; witness was complimented on the manner in which he kept the accounts, 3717–3719——Duties of the election auditor; his duties do not begin till after the election is over, 3720–3723——Evidence relative to witness having accompanied Mr. Western on his canvass; being in partnership with his father, witness acted as his sub-agent without any written declaration, 3724. 3726–3735.

Witness canvassed at the request of his father, 3736–3742——Opinion that there was no one better qualified than himself to go round with Mr. Western, as he knew all the voters'

Report, 1857—*continued.*

Digby, George Edward. (Analysis of his Evidence)—*continued.*

addresses, 3743——Did not ask any one for their votes; merely introduced Mr. Western, 3746——Did not receive any reports from the canvassers; witness reported to his father what he himself did, but not what other canvassers did, 3747-3754——Mr. Henry May went once or twice to Tollesbury canvassing, 3755——Has seen Mr. May once or twice during the canvass, at the rooms used for the purposes of the election, 3756-3759——Never saw Mr. Riley there but once, 3760-3763——Explanation relative to some alterations which were made in Mr. Lansdell's account; the party who supplied the horses and carriages, 3764-3791.

Digby, George Wyatt. (Analysis of his Evidence.)—Solicitor carrying on business at Maldon; is town clerk for the borough, 2924-2926—Was agent for Mr. Lennard for twenty years, and after his death acted as agent for Mr. Western, 2927-2934——Evidence relative to the address issued by Mr. Western and the requisition presented to him signed by about 300 of the electors, 2935-2942——Of these requisitionists Mr. Western obtained the support of all with the exception of two or three, 2943-2949——Mr. Western is connected, by property with the district, 2950-2952. 3069-3073——No committee was formed or organised for Mr. Western's return; the business of the election was carried on in some rooms witness hired for the purpose, 2956. 2958, 2959. 3138-3150.

Witness conducted the election, 2957——Witness's son conducted the canvass, and witness kept the returns after his son had reported them, 2960-2962. 3086——Witness's instructions from Mr. Western were, that all illegal practices were to be avoided, and witness, so far as in him lay, acted up to these instructions, 2963-2965——The money for the expenses passed through witness's hands; the auditor's accounts represent to a penny the whole expenditure, 2966, 2967——The accounts have not yet been advertised, 2968-2974——Witness's son is the election auditor; evidence as to his appointment, 2974-2986.

Witness did not authorise Mr. Riley to act in any way, 2987-2992. 3135-3137——Was not aware that any drink was being given at the Wellington; did not authorise it in any way, 2993, 2994——Instances of witness having cautioned employers against giving breakfasts to their labourers on the morning of the election, 2995-3000——It has always been the practice at Maldon to appoint conductors to take the voters up to the poll; number witness appointed, 3001-3009——Evidence as to witness's appointing Allen a conductor, and giving him instructions to watch if there was any treating going on at the public-houses, 3008-3014——Explanation of the reasons why witness made Mr. Lansdell alter his bill for carriage hire, 3015-3024. 3091-3134——Examination upon various items in the accounts, 3025-3034.

Witness had attended carefully to the revision, and had calculated Mr. Western's anticipated majority within one vote, 3035-3039——Did not sanction or allow any travelling expenses, 3040-3049——Has seen an account of between 4 *l.* and 5 *l.* from the Wellington, but it has not been sent in, 3050-3064. 3303-3309——Has always been on what is called the "Yellow side," 3065-3068——Witness has known candidates for the representation of Maldon distribute coals at Tollesbury, 3074-3085——Witness's son has been election auditor ever since the passing of the Act; has always taken an active part in politics, 3086-3090.

Mr. Riley was not employed in any way, nor was he paid; he has always taken an interest in the elections, and what he did was done voluntarily; witness did not have any report of any canvass from Mr. Riley, 3151-3174——Mr. Riley never came to the rooms that were used for the purposes of the election more than once or twice, 3137. 3175-3181——Other parties who were quite as active in the election, or more so, than Mr. Riley, 3158-3170——Evidence as to the number of door-keepers, clerks, and messengers employed to attend the rooms used for the purposes of the election, and their pay, 3180-3198. 3297-3302——Mr. Blanchflower was appointed by witness to have the management of the horses and vehicles, 3199-3206. 3230. 3243-3248.

Baxter was not employed, and witness cannot explain how it is that an item in Lansdell's bill for horse and gig hired by Baxter was paid, 3212-3229. 3238-3241——Witness's son might have had an implied authority from witness to hire horses, 3232-3237——Mr. Warriker had no authority, either expressed or implied, to do so, 3249-3254——As regards a breakfast given by Mr. Clark, Mr. Alfred May's bailiff, to some of the men, witness never told Maria Ward, the wife of one of them, that if any inquiry was made about it, to take no notice, or not to say anything, 3255-3281.

Evidence as to the distribution of the coals at Tollesbury, 3282-3291——Witness had no communication with Mr. Riley during the election, either written or oral, 3292-3294.

[Second Examination.]—Lengthened examination relative to a charge in the accounts for putting up one dozen of hat-pins in the room used for the purposes of the election; purpose for which they were put up, 3310-3343——Mr. Riley has always been an influential member of the "Yellow" party; he is a gentleman of substance and respectability, 3344-3347.

[Third

Report, 1857—*continued.*

Digby, George Wyatt. (Analysis of his Evidence)—*continued.*

[Third Examination.]—Solicitor to the petition against Mr. Bramley-Moore, 4239——Considers Mr. Western his client, and will expect Mr. Western to pay him, 4240-4261——Witness has no recollection of suggesting to Mr. Western that this petition should be presented as an inducement to Mr. Peacocke to withdraw his petition against Mr. Western; neither does witness recollect saying to Mr. Western that a petition must be presented, because Mr. Moore's agent had been employed in getting up evidence against Mr. Western, 4262-4287——How far witness has received any money from Mr. Western on account of this petition, 4288-4321——Grounds on which witness formed the opinion that he had a good case for petitioning against the return of Mr. Bramley-Moore, 4322-4353.

Digby, Mr. Reasons for witness employing Mr. Digby as his agent, *Western* 3907-3910.

See also *Petitions.*

Doorkeepers. Evidence as to the number of doorkeepers, clerks, and messengers employed to attend the rooms used for the purposes of the election, and their pay, *G. W. Digby* 3180-3198. 3297-3302.

Drunkenness. Witness did not see anything like drunkenness during the election, *Western* 3939. 3952-3958.

Duke of Wellington Public-house. Witness went to the Wellington just before the poll closed, having been told there was a voter or two there who would vote for him if he went and asked them; witness was there only three or four minutes, *Western* 3920-3943.

See also *Treating*, 1, 2, 3.

E.

Election Auditor. Witness is the election auditor; produces Mr. Western's accounts at the last election for Maldon, *G. E. Digby* 1869-1870——Witness's son is the election auditor; evidence as to his appointment, *G. W. Digby* 2974-2986——He has been election auditor ever since the passing of the Act; has always taken an active part in politics, *ib.* 3086-3090——Witness is mayor of the borough of Maldon for the present year, *John Payne* 3348, 3349——Made no appointment of election auditor, *ib.* 3350——Duties of the election auditor; his duties do not begin till after the election is over, *G. E. Digby* 3720-3723——Resolution, that in the opinion of the Committee, the meaning and intent of the 17 & 18 Vict., c. 102, s. 15, was rendered nugatory by the fact that the son and partner of the agent of the Sitting Member held that office, whereby he became the auditor of his own accounts, *Ev. p.* 120.

Ellis, Mr. Witness was canvassed once by Mr. Western, and told him he should not vote for him; afterwards promised Mr. Ellis that he would vote for Mr. Western; witness had never polled yellow before, *Peacock* 1571-1574. 1576-1579. 1582-1598.

Evidence. The only person to whom witness mentioned the circumstance of his having tried to catch voters on the election day was Mr. Henry Haindanie, *Allen* 1775-1782——Witness has not been to anybody to say what he could say before he came here, *ib.* 1921-1930——The first time witness has heard of his having been to the King's Head drinking with Bowles and Chatterson, was when Mr. Cood served him with the Speaker's warrant; witness never spoke to any one about it, *Baxter* 2620-2638——Witness had heard that Miss Payne, of the King's Head, had stated that he had treated Bowles and Chatterson, and witness supposed that that was what he was to be examined about, *ib.* 2639-2663 Witness has been examined on this subject, the evening before his arrival in town, and what he stated was taken down in writing, *ib.* 2664-2671——Witness was examined by Mr. George Digby, who told him Miss Payne had said that he treated Bowles and Chatterson, and witness denied it, and told him about the changing the half sovereign, *ib.* 2676-2718.

Witness has never told this to any one, nor has he ever made any statement about it that has been taken down in writing, till he saw Mr. Digby, just before coming up to town, *Bowles* 2865-2887——Mr. Digby did not tell witness that Betsey Payne had been examined, *ib.* 2888, 2889——Witness came to London in the same carriage with Baxter, but did not talk about what he was coming up to tell, *ib.* 2890-2899.

See also *Bribery. Conductors. Petitions. Tampering with Witnesses. Witnesses.*

Expenses of the Election. The money for the expenses passed through witness's hands; the auditor's account represents to a penny the whole expenditure, *G. W. Digby* 2966, 2967——Witness has not promised to pay anything beyond the legal expenses of the election, *Western* 3918, 3919.——*See* also *Travelling Expenses.*

Report, 1857—*continued.*

F.

Farrow, Mary Ann. (Analysis of her Evidence.)—Wife of James arrow, a freeman of Maldon, living at Tollesbury, 258-260——Evidence relative to witness having received some coals at Bocking's in the month of January last; Mr. Howe was present, and had a list of the persons who were to have them, 261-283——Witness's husband was canvassed by Mr. Western, but the coals were given away long before this; Mr. Chatterson, Mr. Bowles, and Mr. May were with Mr. Western; witness's husband did not promise Mr. Western, 284-298 — Witness does not recollect seeing George Howe with Mr. Western, 297, 298——Witness's husband went up to vote in a van which started from Bowles's public-house, 299-305——He voted for Western; he always voted for the yellows before, 306-308——Witness's husband was at sea when the coals were given away; circumstances under which witness got a half cwt. on the second day they were given away, 309-313 ——Many other persons besides freemen got the coals, 314, 315. 320-323.

Fitch, Charles. (Analysis of his Evidence.)—Knows Jacob Andrews; thinks he saw him at Maldon on the 8th of May, 2150, 2151——Had some conversation with him about the Maldon election, 2152——Andrews told witness he had received 3 *l.* 15 *s.* for his services, 2153-2155.

Freemen. Witness is a freeman of Maldon; plumped for Mr. Western; believes that most of the freemen at Tollesbury plumped for him, *Bowles* 2846-2851.

See also *Coals, Distribution of.*

G.

Gill, Charles. (Analysis of his Evidence.)—Lives at Heybridge Basin, at Maldon, in Essex; is a voter for the borough, 650, 651——Remembers Mr. Western canvassing him; young Mr. Digby and Mr. Henry May were with him; does not remember Mr. Bentall being of the party, 652-657——Witness knows a man of the name of Thomas Chaney; witness wrote a letter for him at his request, to Mr. Bentall, asking for 10 *s.*; after witness had written this letter he had no communication with Chaney's daughter on the subject, 658-671. 675-678. 725-727.

Witness has been examined on the subject of the evidence he was to give before this committee by Mr. Cood, and also by Mr. Digby; made a statement to Mr. Cood relative to his having written this letter for Chaney to Mr. Bentall to ask for 10 *s.*, and also about some drink that was consumed at the King's Head; this statements was taken down in writing, and witness signed it, 672-674. 682-725. 728-731——Witness has not received anything for his vote, nor has he been promised anything, 732, 733.

Gipsies. Reference to a practice common to elections at Maldon, of the liberal side having a lot of gipsies in the town to interfere with the elections, with evidence as to the fact of the Conservatives sending to London for a lot of prizefighters to counteract the operations of the gipsies, *Moore* 4143-4152.

Gozzett, Henry. (Analysis of his Evidence.)—Lives at Woodham Walter; is a voter for Maldon, 587, 588——Was canvassed by Mr. Western a few days before the election; Mr. Digby's son, Mr. Richard Pledger, Mr. Smith, and several others were with him; Mr. Riley was not with them, 589-592——Witness did not promise his vote, 593——Witness was afterwards canvassed by Mr. Riley, and some conversation took place relative to some repairs to Woodham Walter Church, and witness was promised the job if he voted for Mr. Western, 594-604. 617-626——Witness did not promise, but voted for Peacocke and Western, 599-616.

Witness sent in a contract for the job, but has not got it; Mr. Riley, who is churchwarden, will not let him have it, 599-607. 617-626. 647-649——Witness saw Mr. Riley standing opposite the Duke of Wellington when he went up to vote, but did not speak to him; witness went into the Duke of Wellington; there were not many people there, 608-615——Witness has only mentioned the circumstances connected with the job for the church repairs since he has understood that Mr. Riley said that witness's contract was too high, 627-649.

Gozzett, Mr. See *Bribery.*

H.

Hance, Edward. (Analysis of his Evidence.)—Witness, conjointly with his brother, acted as agent for Mr. Bramley-Moore at the late election for Maldon; witness chiefly conducted the election business, 4206-4208——Never in the slightest degree interfered it getting up evidence for Mr. Peacocke in reference to the petition against the return of Mr. Western, nor had Mr. Bramley-Moore the slightest connexion with it, 4209-4219——During the business of the election witness had frequent communication with Mr. Cood, but did not canvass with him, 4224-4230——Mr. Somerville, the London agent, paid all the bills, 4231-4238.

Report, 1857—*continued.*

Harland, Thomas. (Analysis of his Evidence.)—Captain of a trading vessel; came from Hartlepool to vote for Mr. Western; plumped for him, as he considered him worthy of it, 794-812——Witness has not been paid his expenses, nor does he expect to be paid anything, 813-820.

Harvey, William. (Analysis of his Evidence.)—Lives at Heybridge, near Maldon, 126 ——In the month of January last witness superintended the business of Mr. Bocking, a coal merchant at Tollesbury, 127——Did not receive any particular order in that month with reference to the distribution of coals, 128-130——Knows a person of the name of George Howe, and had some conversation with him about some coals, 129-131 ——In consequence of this conversation, about ten tons of coals were provided by witness's employer, Mr. Bocking, 132-137.

System adopted in giving away these coals; other persons had them as well as freemen, but witness believes the freemen had the most, 138-143. 181-194——Mr. Howe was present when the coals were distributed, and paid for them by a cheque for 10*l.*; it was not drawn by Howe, 144-157——Names of some of the parties who received the coals; Mr. Howe had a list, 158-173. 195-204——From what passed, witness gathered that the cheque paid for the coals came from Mr. Western, 174-179.

Horse Hire. Witness hired a horse and cart to go to Tollesbury; he went for the purpose of canvassing for Mr. Western, *Baxter* 2593-2604. 2608-2610——Witness has not paid for the horse and cart he hired, and does not know whether he shall, without the innkeeper comes to him for the money, *ib.* 2764-2794. 2805-2815——Witness does not know that it has not already been paid for, *ib.* 2795-2797——Mr. Blanchflower was appointed by witness to have the management of the horses and vehicles, *G. W. Digby* 3199-3206. 3230. 3243-3248——Baxter was not employed, and witness cannot explain how it is that an item in Lansdell's bill for horse and gig hired by Baxter was paid, *ib.* 3212-3229. 3238-3241——Witness's son might have had an implied authority from witness to hire horses, *ib.* 3232-3237——Mr. Warriker had no authority, either expressed or implied, to do so, *ib.* 3249-3254.——*See* also *Accounts*, 2.

Howe, William. (Analysis of his Evidence.)—Recollects a man of the name of Andrews coming to Tollesbury a week before the election; saw him in the tap-room of the King's Head, and had part of two or three pints of beer with him, 2195-2199——Andrews said he was there after some Welsh oysters; witness thought he was after some freemen; witness made the observation that "he thought there was something up," 2200, 2201—— Recollects a man of the name of Baxter coming there at the same time; does not know what passed between Andrews and him, 2202-2206.

Howe, Mr. See *Agents*, 2. *Canvassers.*

I.

Illegal Practices. Witness's instructions from Mr. Western were, that all illegal practices were to be avoided, and witness, so far as in him lay, acted up to these instructions, *G. W. Digby* 2963-2965.——*See* also *Bribery.* *Corrupt Practices.* *Treating.*

L.

Lansdell, William. (Analysis of his Evidence.)—Witness was in the committee-room at the last meeting of the committee; accidentally came into the room for five minutes; did not hear any of the evidence, 2252-2265——Keeps the King's Head at Maldon; had an account against Mr. Western; witness delivers in his books showing the particulars of this account, 2266-2273——Explanation of various items in this account for horse hire booked to Mr. Warriker, Mr. Digby, and Mr. Baxter, 2274-2280——Particulars relative to witness having booked one of these items to Mr. Baxter, and as to Mr. Digby's having sent the account back to witness to make out a fresh bill, leaving out Mr. Baxter's name, and merely inserting the date, 2281-2327.

Lewis, Thomas. (Analysis of his Evidence.)—A freeman, residing at Tollesbury; voted at the last election, 2226-2228——The only beer witness had during the election was a pint Captain Easter, a gentleman living at Tollesbuty, gave him, 2229-2236——A carriage fetched witness to take him to the poll, but he does not know where it came from, nor who the parties were that went with him, 2237-2239. 2246, 2247. 2249——Witness did not go to the Wellington after he had polled; went to the White Hart, and had half a pint of purl, which he paid for, 2240-2245. 2248. 2250, 2251.

Lewis, Zachariah. (Analysis of his Evidence.)—Resides at Tollesbury, about seven miles from Maldon; is a freeman of the borough, 8-10——Knows a man by the name of George Howe; witness received a message from him that he was to go to Bocking's; went there, and saw Howe and Bocking, and by Howe's order received one cwt. of coals, 11-20. 24-29——Several people were waiting for coals, the poor of the parish; two or

Report, 1857—*continued.*

Lewis, Zachariah. (Analysis of his Evidence)—*continued.*

three of them were freemen, 21-23——Witness understood from Mr. Howe that two maiden ladies from Maldon had sent him 10 *l.* for the coal, 30-37——Witness has not since complained that he had only one cwt., instead of two cwt., 38-40——Before this, witness has received coals two or three times at the minister's; the last he received was about twelve months ago, 41-47.

Witness has been canvassed for his vote by Mr. Western, and by Mr. Bramley-Moore; has seen the two Mr. Mays and Mr. Boyce canvassing with them, 50-59——Witness was canvassed by them after he got the coals, 60 74——Witness voted for Mr. Moore and Mr. Western, 60, 61——Witness was taken from Tollesbury to Maldon in a van belonging to a Mr. Bowles, of the "Victoria;" got to Maldon at half-past eleven, and voted at three o'clock; had nothing during this time but a pint of beer at his own expense, 75-98——Witness sometimes votes yellow, and sometimes blue, just which way he could get bread and cheese, 99-105——The last election was one of the driest almost ever known in Maldon, 106, 107——At the time witness got the coals nearly all the poor of Tollesbury got them; witness had no thought about the election at the time, 109-125.

M.

Martin, Joseph. (Analysis of his Evidence.)—Freeman of Maldon, living at Tollesbury, 324, 325——In the month of January witness was told by Mr. George Howe that there were some coals to be given away, and if witness liked he might have one cwt.; witness went for them to the "Plough and Sail;" a boy measured them; George Howe was not present, 326-334——Witness was canvassed for his vote by Mr. Western; parties who were with him at the time; Mr. G. Howe was not amongst them, 335-342——Witness understood the coals were given by Mr. Western; they were to be given amongst the poor and needy, 343-348——Witness has usually voted blue, 349, 350.

May, Alfred. (Analysis of his Evidence.)—Has a farm at Totham, called the Off Hand Farm, 3864——Thomas Clark is bailiff there, 3865——Did not give Clark any authority to give a breakfast there on the morning of the election, nor did he know he was going to do so; witness has not paid anything in respect of it, nor does he intend doing so, 3866-3874——Both witness and his brother Henry have canvassed several times with Mr. Western, 3880-3894——Witness's brother George proposed Mr. Western, 3875-3879. 3895, 3896.

Mayor of Maldon. Witness gave no authority for any entertainment at the borough election; was not aware until recently that his servants had given a man of the name of Collins something to eat and drink at witness's house at Totham, *John Payne* 3351-3357——Witness did not take any active part in the election; never canvassed a voter, not even his own sons, nor his own servants, *ib.* 3358, 3359. 3369-3371——Witness's looker lent a horse and cart to four men to come up to the poll, *ib.* 3360-3365. 3367, 3368——Witness's son seconded Mr. Western, *ib.* 3366.

Messengers. See *Doorkeepers.*

Metcalfe, William Leopold. (Analysis of his Evidence.)—Received a letter from Mr. Henry May, of Maldon, about a week before the election; read this letter to Abraham Stratford, and has since destroyed it, 426-429.

[Second Examination.]—Lives at Ipswich; Abraham Stratford was in witness's employ at the time of the last election for the borough of Maldon, 527, 528——A few days before the election witness received a letter from Mr. H. May, which he read to Stratford; the purport of it was merely to inquire whether Stratford was going to vote for Mr. Western, 529-532. 534. 536——There was nothing whatever in the letter on the subject of expenses, 533——Stratford expressed his willingness and desire to vote for Mr. Western, provided his expenses were paid; he also wanted some remuneration for his time, but witness told him this would not be allowed, 534-536.

Witness then communicated with Mr. May, and afterwards saw Stratford again, and told him he could have 15 *s.* for his expenses, 537-555——It was in consequence of the letter received from Mr. May that witness told Stratford his expenses would be paid, but witness had no idea who was to pay them, 537-555——The money was paid to Stratford by a man of the name of Keebles, in witness's employ; it was paid in consequence of a letter from Mr. May, authorising the payment; witness has not been repaid; has applied for it, 556-565. 575-586——Witness looks to Mr. May for repayment, and if he does not pay it, witness supposes those who are authorised to pay Mr. Western's expenses will do so, 566-574.

Report, 1857—*continued.*

Moore, John Bramley, a Member of the House. (Analysis of his Evidence.)—Was returned for Maldon, 4121——Employed the same London agent as Mr. Peacocke, but not the same local agent; Mr. Hance was witness's local agent, and Mr. Cood, Mr. Peacocke's; witness did not employ Mr. Cood at all, 4122-4127——Witness is not aware of any corrupt practices on his part or the part of his agents, 4128——Witness had nothing to do with the petition of Mr. Peacocke against the return of Mr. Western, either directly or indirectly, 4129-4131——In consequence of witness understanding from Mr. Western that this petition was presented in consequence of witness's agent collecting evidence against Mr. Western, he wrote to his agent, who denied that such was the case, 4132-4142.

Reference to a practice common to elections at Maldon, of the Liberal side having a lot of gipsies in the town to interfere with the elections, with evidence as to the fact of the Conservatives sending to London for a lot of prizefighters to counteract the operations of the gipsies, 4143-4152——How far witness's and Mr. Peacocke's local agents acted jointly in the election proceedings, 4153-4181——How far witness has communicated with Mr. Peacocke on the subject of this petition, 4182-4197——Witness believes that his communication with his agent was prior to the presentation of this petition, 4198-4205.

Moore, Mr., M. P. Resolution of the Committee that John Bramley Moore, esq., is duly elected a burgess to serve in the present Parliament, *Ev. p.* 134.

See also *Agents,* 2. *Petitions.*

N.

Naylor, James Richard. (Analysis of his Evidence.)—Chief clerk in the Crown Office; produces the writ and return for the borough of Maldon, and also the poll-books; date of the return, 1-7.

Nicholls, John. (Analysis of his Evidence.)—Lives at Danbury; plumped at the last election for Mr. Western, 1198-1201——Went to Maldon on the election day with Mr. Pledger's bailiff, 1202-1204. 1300——When witness got to Maldon he went, by order of Mr. Joseph Riley, to the Wellington to meet the Orange party, 1205-1207——Got there about eleven o'clock, and was shown into a room by Mr. Riley; several persons were there eating and drinking, and witness did the same, 1208-1218. 1297-1299——Witness stopped there all day, taking refreshments at different times, and all he paid was 2 *d.* for a pint of porter, 1218-1222. 1234-1244. 1293-1296. 1301, 1302——Witness went up to the poll about half-past three o'clock; some stranger went with him, 1223-1233.

Witness saw Mr. Western opposite the Wellington during the day, 1245-1251——Does not know the names of any of the persons he saw drinking, &c. at the Wellington, but believes John Turner was there, 1252-1263——Before witness went to Maldon, Mr. Riley had told him that he could give him a pint or two of porter if he thought proper, 1264, 1265——Witness is an old voter, but has only voted for the yellows once before, 1266-1270——Was canvassed by Mr. Riley for Mr. Western, but had previously promised his vote personally to Mr. Western, 1271-1292.

P.

Payne, Elizabeth. (Analysis of her Evidence.)—Daughter of Mrs. Payne, who keeps a public-house at Tollesbury, 2207——Remembers Mr. Western canvassing at Tollesbury on the 14th of March, 2208, 2209——The two Messrs. May, Mr. Quihampton, Mr. Baxter and Mr. French, and also Mr. Pigott, accompanied Mr. Western, 2210-2212——Witness took in two glasses of brandy and water for two freemen who were in the room, named Bowles and Chatterson; Bowles told witness to apply to Mr. Baxter for the money, and he immediately paid it; Mr. Western was not present, 2213-2225.

Payne, John. (Analysis of his Evidence.)—Mayor of the borough of Maldon for the present year, 3248, 3349——Made no appointment of election auditor, 3350——Gave no authority for any entertainment at the borough election; was not aware until recently that his servants had given a man of the name of Collins something to eat and drink at witness's house at Totham, 3351-3357——Witness did not take any active part in the election; never canvassed a voter, not even his own sons nor his own servants, 3358, 3359. 3369-3371——Witness's looker lent a horse and cart to four men to come up to the poll, 3360-3365. 3367, 3368——Witness's son seconded Mr. Western, 3366.

Payne, Samuel. (Analysis of his Evidence.)—Freeman of Maldon, 2156——Remembers Jacob Andrews coming to Tollesbury about a fortnight before the election, 2157, 2158——First saw him in the tap-room of the King's Head, kept by witness's mother; he was a perfect stranger to witness, but having asked witness to drink with him, he went into the tap-room and did so; he also asked William Howe to drink, 2162-2171. 2176——Particulars relative to a man of the name of Charles Baxter being there at the time,

Report, 1857—*continued.*

Payne, Samuel. (Analysis of his Evidence)—*continued.*

and as to his observing to Andrews that "he didn't ought to be here, he ought to be up at the other house," meaning the Brewery beer-shop, 2172–2174.

Witness voted for Peacocke and Western, 2175——Howe is not a voter, 2189——While witness was drinking with Andrews, Andrews said he had come down after Welsh oysters; witness thought it a curious expression; did not know what it meant, 2190–2193——Nothing was said with reference to witness's vote, 2194.

Peacock, James. (Analysis of his Evidence.)—Lives at Little Baddow; voted at the last Maldon election for Mr. Western and Mr. Peacocke, 1511, 1512——Was taken from Baddon to Maldon in a four-wheeler, which came from Chelmsford; a man of the name of Turner was also in the chaise, and Mr. Riley accompanied them, 1513–1529——They were driven to the Wellington at Maldon; witness had some refreshment there, and went up to the poll about two or three o'clock; went back to the Wellington, and had some more beer, 1530–1535. 1537–1539. 1544–1561.

Witness did not pay for anything he had, 1536——Mr. Riley went to the Wellington with witness in the morning, and witness saw him there once besides during the day; saw him also at the polling-booth, 1542, 1543. 1562–1570——Witness was canvassed once by Mr. Western, and told him he should not vote for him; afterwards promised Mr. Ellis that he would vote for Mr. Western; witness has never voted yellow before, 1571–1574. 1576–1579. 1582–1598——Mr. Riley has never spoken to witness about his vote, 1575. 1580, 1581.

Peacocke, Mr. See *Agents,* 2. *Petitions.*

Petitions. Witness was consulted about the petition against the return of Mr. Bramley Moore, *Western* 4000——How far witness has had anything to do with the presentation of this petition; it was suggested that witness should be at the expense of it, but he has not contributed anything towards it as yet, *ib.* 4001–4024——Witness does not know that Mr. Digby has indemnified the petitioners; he never heard of it till this moment, *ib.* 4025–4027——When Mr. Digby first spoke to witness about it, it was not completed, but he had a certain amount of evidence to go upon, *ib.* 4031–4035——It was presented on the last day, *ib.* 4036.

Mr. Digby has never intimated that he should contribute any portion of the expense, and witness fully anticipates that he will have to pay the whole; witness does not know any one who is pledged to contribute towards it, *Western* 4037–4046——Mr. Digby is employed as witness's solicitor in the presentation of this counter-petition to The House, *ib.* 4047–4052——Witness told Mr. Bramley Moore that Mr. Digby had come up to London, and told witness that the petition must be presented in consequence of Mr. Bramley Moore's agent having been employed in getting up evidence against witness, *ib.* 4053–4065——Witness had heard that there had been cases of bribery and treating, but did not tell Mr. Moore this, *ib.* 4065–4069——Evidence as to Mr. Moore having told witness that he had written to his agent, who denied having had any hand in getting up evidence against witness; this must have been after the petition was presented, *ib.* 4070–4076——After this the witness did not recommend the petition to be withdrawn, *ib.* 4077.

Witness believes Mr. Digby has said that if this petition was presented, it might induce Mr. Peacocke to withdraw the petition against witness, *Western* 4078–4088——Mr. Western had understood from Mr. Moore that he disapproved of the petition presented by Mr. Peacocke, *ib.* 4089–4093——Counsel were consulted before this petition was presented, *ib.* 4094, 4095——Reasons why witness considered that he had as good grounds for presenting his petition as the other party had for presenting theirs, *ib.* 4096–4119——One of witness's objects was to disqualify Mr. Peacocke from being a candidate in case witness was unseated, *ib.* 4119, 4120.

Witness had nothing to do with the petition of Mr. Peacocke against the return of Mr. Western, either directly or indirectly, *Moore* 4129–4131——In consequence of witness understanding from Mr. Western that this petition was presented in consequence of witness's agent collecting evidence against Mr. Western he wrote to his agent, who denied that such was the case, *ib.* 4132–4142——How far witness has communicated with Mr. Peacocke on the subject of this petition, *ib.* 4182–4197——Witness believes that his communication with his agent was prior to the presentation of this petition, *ib.* 4198–4205——Witness never, in the slightest degree, interfered in getting up evidence for Mr. Peacocke in reference to the petition against the return of Mr. Western, nor had Mr. Bramley Moore the slightest connexion with it, *Hance* 4209–4219——Witness is solicitor to the petition against Mr. Bramley Moore, *G. W. Digby* 4239——Considers Mr. Western his client, and will expect Mr. Western to pay him, *ib.* 4240–4261——Witness has no recollection of suggesting to Mr. Western that this petition should be presented as an inducement to Mr. Peacocke to withdraw his petition against Mr. Western; neither does witness recollect saying to Mr. Western that a petition must be presented, because Mr. Moore's agent had been employed in getting up evidence against Mr. Western,

G. W. Digby

Report, 1857—*continued.*

Petitions—continued.

G. W. Digby 4262-4287——How far witness has received any money from Mr. Western on account of this petition, *ib.* 4288-4321——Grounds on which witness formed the opinion that he had a good case for petitioning against the return of Mr. Bramley Moore, *ib.* 4322-4353——Resolution of the Committee that the petition presented against Mr. Moore is frivolous and vexatious, *Ev. p.* 134——Resolution of the Committee that the said petition was presented chiefly with the view of inducing other persons to withdraw the petition against Mr. Western, *ib.* 134.

Prior, John. (Analysis of his Evidence)—Is a Maldon voter; voted at the last election for Mr. Western and Mr. Moore, 1303-1305——Lives at Little Baddow; rode to Maldon in Mr. Riley's van, which started from the Queen's Head; was not ordered by any one to come in it, but heard it was coming and went there to meet it, 1306-1328——On arriving at Maldon the van stopped at the Wellington; witness went in with the other parties, and had some refreshments, and after about an hour went up and voted, and then returned to the Wellington and had some more refreshments, 1329-1344. 1347-1362. 1386, 1387——Witness did not pay for anything he had, nor did he see any one else pay, 1345, 1346. 1363-1367.

Witness stopped at the Wellington till about seven o'clock, and then went home in the same way as he had come, 1368-1372. 1394-1398——Witness was canvassed by Mr. Western shortly before the election; Mr. Riley was not with Mr. Western, nor did Riley ever ask witness about his vote, 1373-1377. 1390-1393. 1399-1404——Witness saw Mr. Riley in the passage at the Wellington; did not notice what he was doing, 1378-1384——The Wellington is just at the entrance of Maldon, coming from Woodham Walter, 1405-1409.

Prizefighters. See *Gipsies.*

R.

Requisition to Mr. Western. Evidence relative to the address issued by Mr. Western, and the requisition presented to him, signed by about 300 of the electors, *G. W. Digby*, 2935-2942——Of these requisitionists Mr. Western obtained the support of all, with the exception of two or three, *ib.* 2943-2949.

Revision of Lists. Witness had attended carefully to the revision, and had calculated Mr. Western's anticipated majority within one vote, *G. W. Digby* 3035-3039.

Rice, Sarah. (Analysis of her Evidence.)—Wife of Abraham Rice, living at Tollesbury, 205, 206——Recollects Mr. Western coming to canvass her husband for his vote in January last; Mr. Digby was with him; witness did not hear what conversation passed, 207-213——Evidence as to Mr. Western having called a second time, with Mr. Howe; at this time it was mentioned that witness's husband had some coals; witness had received about a ton and a half, 214-229. 254-257. There was a report that the coal was Mr. Western's gift, 230——The last time Mr. Western came witness's husband was not at home, and witness would not promise for him, 231-233——He voted for Mr. Peacocke and Mr. Moore, 234. 252, 253——Witness had never received any coals before this time, 235-239.

Riley, Mr. Witness did not authorise Mr. Riley to act in any way, *G. W. Digby* 2987-2992. 3135-3137——Mr. Riley was not employed in any way, nor was he paid; he has always taken an interest in the elections, and what he did was done voluntarily; witness did not have any report of any canvass from Mr. Riley. *ib.* 3151-3174——Other parties were quite as active in the election, or more so, than Mr. Riley, *ib.* 3158-3170——Witness had no communication with Mr. Riley during the election, either written or oral, *ib.* 3292-3294——Mr. Riley has always been an influential member of the "yellow party;" he is a gentleman of substance and respectability, *ib.* 3344-3347.

Witness was employed as a messenger at Mr. Western's rooms that were taken for the purposes of the election, *Thomas Walliker* 3624-3627——Never saw Mr. Riley there at all, *ib.* 3628-3639——Witness never saw Mr. Riley at the rooms but once, *Spurgeon* 3642-3648. 3658. 3676-3679. 3700——Witness was doorkeeper of the rooms where Mr. Western's friends met at Maldon; was put there by Mr. Digby, with instructions not to allow any one there whom he considered not on business, *Cater* 3701-3704. 3706-3710——Did not see Mr. Riley there during the election day, *ib.* 3705——Witness never saw Mr. Riley there but once, *G. E. Digby* 3760-3763.

Witness prosecuted his canvass with young Mr. Digby, and in the course of it called on Mr. Riley, *Western* 3911-3913——Witness called on Mr. Riley to canvass his men; in every case witness called upon the master first to ask leave to canvass the men, *ib.* 3911-3913——Mr. Riley never canvassed with witness, *ib.* 3914, 3915.

See also *Bribery. Canvassers. Committee Rooms.*

Report, 1857—*continued.*

S.

Scotchman, Stephen. (Analysis of his Evidence.)—Voted at the last Maldon election for Mr. Western and Mr. Bramley Moore, 1628——Called at the Wellington in the course of the day; was not particularly told to call there, but called to get something to take to, 1629-1631——Had some beer and a piece of victuals; did not pay anything, 1632-1642. 1645-1647——The Wellington is the usual place witness goes to when he goes into Maldon, 1643-1645. 1668——Witness came into Maldon with the out-voters from Little Baddow, 1663-1667——Witness had not been canvassed, nor had he promised his vote; always votes half-and-half 1669-1673.

Sill, Thomas. (Analysis of his Evidence.)—Freeman of the borough of Maldon; works as a jobbing gardener at Mr. George Wyatt Digby's; rate of witness's wages, 355-362 ——Witness on the morning of the polling-day left his work early for the purpose of going to the poll; went up with his brother, 363-378——After witness had voted he went with his brother to the Rose and Crown, to enjoy themselves for half an hour, 379-383. 386, 387——Witness returned to his work again in the afternoon, 379. 389-391——Did not go either to the Queen's Head or to the Wellington, 379. 384, 385. 393 ——No one asked witness to vote for Mr. Western, or ever mentioned his vote, or asked about it, 394-399——Witness and his brother paid for all the beer they had, 405, 406 ——Witness did not sign the requisition to Mr. Western, 409.

Spies. See *Conductors.*

Spurgeon, Samuel. (Analysis of his Evidence.)—Was in charge of Mr. Western's rooms when Walliker, the messenger, was not there; witness hired the rooms, and had the fitting of them up; he paid for the hiring, and charged for it afterwards; was at the rooms daily, 3640, 3641. 3649-3657——Never saw Mr. Riley at the rooms but once, 3642-3648. 3658. 3676-3679. 3700——The parties who were there principally were Mr. Digby and his son, Mr. Henry May, Mr. George May, and Mr. John Payne, 3659-3675. 3680-3686. 3692-3695. 3699——Witness has seen Mr. Charles Baxter there, 3696-3698.

Staples, John. (Analysis of his Evidence.)—Has a vote for Maldon as a freeman; at the time of the last election witness was captain of a trading vessel, and also owner of her; she was at Sunderland, and witness came up for the purpose of voting, 769-775. 779 ——Witness plumped for Mr. Western; no one canvassed him, 776-779——Witness has never received a farthing for his expenses, nor has he made any claim, nor expects to be paid anything, 780-793.

Staples, Joseph. (Analysis of his Evidence.)—Knows Thomas Gill; saw him on the day of the election, 410-412.

[The witness was asked whether Gill made any statement to him with reference to his vote; counsel objected to the question, and the Committee decided it could not be put].

Stratford, Abraham. (Analysis of his Evidence.)—Ship-carpenter; lives at Goldhanger, near Maldon; was at work at Ipswich at the time of the last Maldon election, 414, 415 ——Two or three days before the election, Mr. Metcalfe called on witness, and read a letter to him, which he had received from Mr. Henry May, of Maldon; in this letter witness was asked whether he would vote for Mr. Western, and it was left to him to decide whether he would go to Maldon to vote or not, 416-425. 430, 431. 454, 455. 491——Nothing passed between witness and Mr. Metcalfe at this time about expenses, 432.

The day before the election witness saw Mr. Metcalfe again, and also saw Mr. Cross; Mr. Metcalfe said nothing about witness's expenses, but Mr. Cross told him if he went to Maldon his legal expenses should be paid; nothing was said about his day's work, 433-453. 456. 516-526——After this the sum of 15*s.* was forwarded to witness by a man of the name of Keebles, a man in the employ of Mr. Metcalfe; this is the whole amount witness ever received. 456. 477-498. 505. 511——Witness went to Maldon, and voted for Mr. Western; evidence as to the actual expenses paid by witness in going there and returning to Ipswich, 457-465. 469-477. 499-504. 510——Witness was not bribed with this 15*s.*, as the understanding with Mr. Metcalfe, and also with Mr. Cross, was that he was to vote for whom he pleased, although they wished him to vote for Mr. Western, 506-509.

Sub-Agents. Evidence relative to witness having accompanied Mr. Western on his canvass; being in partnership with his father, witness acted as his sub-agent without any written declaration, *G. E. Digby* 3724. 3726-3735.

T.

Tampering with Accounts. See *Accounts.*

Report, 1857—*continued.*

Tampering with Witnesses. Witness has been asked by Mr. Cood what evidence he could give before this Committee, but witness would not tell him; nothing was said about 7 *l.* or 10 *l.*, *Allen* 2464–2485——Witness has been examined on the subject of the evidence he was to give before this Committee by Mr. Cood and also by Mr. Digby; made a statement to Mr. Cood relative to his having written this letter for Chayney to Mr. Bentall to ask for 10 *s.*, and also about some drink that was consumed at the King's Head; this statement was taken down in writing, and witness signed it, *Gill* 672–674. 682–725. 728–731.—— Shortly after the election witness had occasion to see Mr. Digby, of Maldon, relative to binding her son out apprentice, *Maria Ward* 2407–2413——Particulars as to what passed between witness and Mr. Digby as regards her husband's breakfasting at Mr. May's farm on the morning of the election; observation made by Mr. Digby that witness was not to say anything about this, or not to take any notice of it, *ib.* 2414-2458——Witness has since been examined upon this by Mr. Cood, and has signed some paper, *ib.* 2459-2462.

Travelling Expenses. Witness is a ship carpenter; lives at Goldhanger, near Maldon; was at work at Ipswich at the time of the last Maldon election, *Stratford* 414, 415——Two or three days before the election Mr. Metcalfe called on witness, and read a letter to him which he had received from Mr. Henry May, of Maldon; in this letter witness was asked whether he would vote for Mr. Western, and it was left to him to decide whether he would go to Maldon to vote or not, *ib.* 416–425. 430, 431. 454, 455. 491——Nothing passed between witness and Mr. Metcalfe at this time about expenses, *ib.* 432——The day before the election witness saw Mr. Metcalfe again, and also saw Mr. Cross; Mr. Metcalfe said nothing about witness's expenses, but Mr. Cross told him if he went to Maldon his legal expenses should be paid; nothing was said about his day's work, *ib.* 433–453. 456. 516–526——After this the sum of 15 *s.* was forwarded to witness by a man of the name of Keebles, a man in the employ of Mr. Metcalfe; this is the whole amount witness ever received, *ib.* 456. 477–498. 505. 511——Witness went to Maldon and voted for Mr. Western; evidence as to the actual expenses paid by witness in going there and returning to Ipswich, *ib.* 457–465. 469–477. 499–504. 510——Witness was not bribed with this 15 *s.*, as the understanding with Mr. Metcalfe, and also with Mr. Cross, was that he was to vote for whom he pleased, although they wished him to vote for Mr, Western, *ib.* 506–509.

Witness lives at Ipswich; Abraham Stratford was in witness's employ at the time of the last election for the borough of Maldon, *Metcalfe* 527, 528——A few days before the election witness received a letter from Mr. H. May, which he read to Stratford; the purport of it was merely to inquire whether Stratford was going to vote for Mr. Western, *ib.* 529–532. 534. 536——There was nothing whatever in the letter on the subject of expenses, *ib.* 533——Stratford expressed his willingness and desire to vote for Mr. Western provided his expenses were paid; he also wanted some remuneration for his time, but witness told him this would not be allowed, *ib.* 534–536——Witness then communicated with Mr. May, and afterwards saw Stratford again, and told him he could have 15 *s.* for his expenses, *ib.* 537–555——It was in consequence of the letter received from Mr. May that witness told Stratford his expenses would be paid, but witness had no idea who was to pay them, *ib.* 537–555——The money was paid to Stratford by a man of the name of Keebles, in witness's employ; it was paid in consequence of a letter from Mr. May authorising the payment; witness has not been repaid; has applied for it, *ib.* 556–565. 575–586.

Witness has a vote for Maldon as a freeman; at the time of the last election witness was captain of a trading vessel, and also owner of her; she was at Sunderland, and witness came up for the purpose of voting, *Staples* 769–775. 779——Witness plumped for Mr. Western; no one canvassed him, *ib.* 776–779——Witness has never received a farthing for his expenses, nor has he made any claim, nor expects to be paid anything, *ib.* 780–793.

Witness is captain of a trading vessel; came from Hartlepool to vote for Mr. Western; plumped for him, as he considered him worthy of it, *Harland* 794-812——Witness has not been paid his expenses, nor does he expect to be paid anything, *ib.* 813–820—— Witness canvassed a man of the name of Farrow; reference to his having stated that he would not vote unless he got 15 *s.* for his expenses; he voted against Mr. Western, *Allen* 1877–1898——Witness did not sanction or allow any travelling expenses, *G. W. Digby* 3040–3049.

TREATING:

1. *Generally.*
2. *Extent to which Treating was carried on at the Wellington Public-house.*
3. *Evidence showing that this Treating was by the Order and at the Expense of Mr. Riley.*
4. *Alleged case of Treating by a man of the name of Baxter at the Queen's Head, at Tollesbury.*

1. *Generally:*

During the polling day witness went into several public-houses to see if there was any treating going on; saw no eating and drinking going on at the Wellington, *Andrews* 2056–

Report, 1857—*continued.*

TREATING—1. *Generally*—continued.

2106. 2134——Witness did not see any treating going on anywhere, *Andrews* 2061, 2062. 2121–2130——Witness did not say anything to Payne about his vote on the day of polling, *ib.* 2107–2119——Witness never told Charles Fitch that he was employed by Mr. Digby on the day of the election to go and talk to the voters, and give them a pint or two of beer, *ib.* 2145–2149——Witness did not go to the Wellington after he had polled; he went to the White Hart, and had half a pint of purl, which he paid for, *Lewis* 2240–2245. 2248. 2250, 2251.

Witness lives at Great Totham; went to vote at the Maldon election, *Wm. Ward* 2359–2360——Breakfasted at Mr. May's farm, along with eight or nine other voters, before going to Maldon, *ib.* 2361–2378. 2401–2404——Witness voted for Moore and Western; has mostly voted for the two blues before, *ib.* 2379, 2380——Witness had no refreshment at all when he got to Maldon, and went back to Totham again in the afternoon, *ib.* 2381–2383. 2395——Witness did not give any one authority to have drink in his name, *Western* 3945, 3946——Witness had not the smallest notion of the entertainment given to Mr. Riley's people; witness has not paid the bill, nor has he been asked to pay it, *ib.* 3947–3951.

2. *Extent to which Treating was carried on at the Wellington Public-house:*

Witness was in Maldon on the day of the election; has not a vote; knows a man of the name of John Turner, a voter; went with him to the Wellington, *Brightwell* 927–931——Knows Mr. Western; evidence in detail relative to a conversation witness had with Mr. Western relative to Turner's vote, and as to Mr. Western having asked witness whether he was a-dry, and telling him to go into the Wellington to get something to drink; witness went in with Turner, and saw a great many people drinking; did not pay for what he had, nor did he see any one else pay for what they had, *ib.* 932–984——Witness is a voter; lives at Little Baddow, about five or six miles from Maldon, *Turner* 1059–1063——Witness rode to Maldon on the day of the election in a four-wheeler that came from Baddow; does not know who drove it; was told by Mr. Riley to ride in this chaise, *ib.* 1064–1066——On his arrival at Maldon, witness went to the Duke of Wellington, and had some refreshment; staid there some hours; there were many people there eating, drinking, and smoking; witness did not pay for what he had, nor did he see others pay, *ib.* 1067, 1068. 1070–1087. 1093–1096. 1105, 1106. 1112–1136——Witness saw Mr. Riley in the road by the Duke of Wellington, *ib.* 1069.

Recollects meeting John Brightwell there; saw Mr. Western come up to the Wellington, and Brightwell went to ask him to stand something to drink, and on Mr. Western being told that Brightwell was not a voter he said he might have something to drink if he liked, *Turner* 1069–1092. 1097–1100——After this, witness went into the Wellington, and had something to drink with Brightwell; did not pay for it, *ib.* 1101–1104——Witness believes it was after he had voted that he saw Mr. Western outside the Wellington; there were several people round him, *ib.* 1137–1144——Witness returned to Little Baddow on the night of the election, in the same way as he came to Maldon, *ib.* 1150, 1151——Brightwell was very forward in liquor when he went out to speak to Mr. Western, *ib.* 1179–1189. 1195–1197——Witness does not know the names of any of the persons he saw drinking, &c. at the Wellington, but believes John Turner was there, *Nicholls* 1252–1263.

Witness is a Maldon voter; voted at the last election for Western and Moore, *Prior* 1303–1305——Lives at Little Baddow; rode to Maldon in Mr. Riley's van, which started from the Queen's Head; was not ordered by any one to come in it, but heard it was going, and went to meet it, *ib.* 1306–1328——On arriving at Maldon the van stopped at the Wellington; witness went in with the other parties, and had some refreshments, and after about an hour, went up and voted, and then returned to the Wellington and had some more refreshments, *ib.* 1329–1344. 1347–1362. 1386, 1387——Witness did not pay for anything he had, nor did he see any one else pay, *ib.* 1345, 1346. 1363–1367——Witness stopped at the Wellington till about seven o'clock, and then returned home in the same way he went, *ib.* 1368–1372. 1394–1398——Witness saw Mr. Riley in the passage at the Wellington; did not notice what he was doing, *ib.* 1378–1384.

Witness was at Maldon on the last election day, *Barker*, 1410——Knows Mr. Joseph Riley; saw him at the Wellington; does not exactly know what he was doing, *ib.* 1411–1414. 1418——Witness went into one of the parlours, and had something to eat and drink; several persons were in the parlour doing the same; witness saw Nichols, Webb, and Turner there, *ib.* 1424–1455. 1459–1462——Witness stayed there about two hours; Did not see Mr. Riley after he had had these refreshments, *ib.* 1446. 1463–1465——Witness did not pay for anything he had, nor did he see any one else pay, *ib.* 1456–1458. 1466–1477——Witness went to the Wellington because he had a fancy to go there; no one told him to go, nor did he know that eating and drinking was going on till he got there, *ib.* 1489–1510.

Witness lives at Little Baddow; voted at the last election for Western and Peacocke, *Peacock* 1511, 1512——Was taken from Baddow to Maldon in a four-wheeler, which came from Chelmsford; a man of the name of Turner was also in the chaise, and Mr. Riley

Report, 1857—*continued.*

TREATING—continued.

2. *Extent to which Treating was carried on at the Wellington Public-house*—continued.

Riley accompanied them, *Peacock* 1513–1529——They were driven to the Wellington, at Maldon; witness had some refreshment there, and went up to the poll about two or three o'clock; went back to the Wellington, and had some more beer, *ib.* 1530–1535. 1537–1539. 1544–1561——Witness did not pay for anything he had, *ib.* 1536——Mr. Riley went to the Wellington with witness in the morning, and witness saw him there once besides during the day; saw him also at the polling-booth, *ib.* 1542, 1543. 1562–1570.

On the day of the election witness went to the Wellington public-house; met George Allen and walked up with him, and had part of three or four pints of beer along with him; witness only went into the tap-room and stayed from half an hour to an hour, *Webb* 1599–1610——Witness did not pay for any of the beer, nor does he know who did pay for it. *ib.* 1616, 1617. 1625–1627——Witness voted at the last Maldon election for Mr. Western and Mr. Bramley Moore, *Scotchman* 1628——Called at the Wellington in the course of the day; was not particularly told to call there, but called to get something to take to, *ib.* 1629–1631——Had some beer and a piece of victuals; did not pay anything, *ib.* 1632–1642. 1645–1647.

Witness was not aware that any drink was being given at the Wellington; did not authorise it in any way, *G. W. Digby* 2993, 2994——Witness has seen an account of between 4 *l.* and 5 *l.* from the Wellington, but it has not been sent in, *ib.* 3050–3064. 3303–3309——Witness was at the Wellington on the election day with six or seven other persons, voters and non-voters; not one of the party had a drop but what they paid for, *Austin* 3597–3623.

3. *Evidence showing that this Treating was by the Order and at the Expense of Mr. Riley:*

In March last witness was in the employment of Mr. Chamberlaine, near Chelmsford; was hired to drive a phaeton for the purpose of conveying voters from Chelmsford to Maldon, *Brown* 821–823——Drove Mr. Riley, the miller, of Woodham Walter, to Little Baddow to fetch some voters, *ib.* 824 *et seq.*——Evidence relative to his fetching two voters and taking them, by Mr. Riley's directions, to the Wellington in the first instance, afterwards taking them up to the poll, and then back to the Wellington, and taking them home to Baddow in the evening, *ib.* 826–851. 855–858——Witness went into the Wellington; there were a few people there, but witness did not see much drink, *ib.* 852–854——Mr. Riley was the party who gave witness directions on that day, *ib.* 859.

Witness saw Mr. Riley go in and out of the Wellington several times while he was there, *Turner* 1152–1166. 1173–1175——Witness went to Maldon on the election day with Mr. Pledger's bailiff, *Nicholls* 1202–1204. 1300——When witness got to Maldon he went, by order of Mr. Joseph Riley, to the Wellington to meet the Orange party, *ib.* 1205–1207——Got there about 11 o'clock and was shown into a room by Mr. Riley; several persons were there eating and drinking, and witness did the same, *ib.* 1208–1218. 1297–1299——Witness stopped there all day, taking refreshments at different times, and all he paid was 2 *d.* for a pint of porter, *ib.* 1218–1222. 1234–1244. 1293–1296. 1301, 1302——Witness went up to the poll about half-past three o'clock; some stranger went with him, *ib.* 1223–1233——Before witness went to Maldon Mr. Riley had told him that he could give him a pint or two of porter if he thought proper, *ib.* 1264, 1265.

Evidence as to witness having asked Mr. Riley for some refreshment, and as to Mr. Riley having taken him up to the bar and told the landlady to give him some, *Barker* 1415–1417. 1419. 1422. 1423——Witness's husband keeps the Wellington Inn, at Maldon; witness manages it for him; takes orders and supplies the victuals and drink; did so at the election time, *Rebecca Wright* 3372–3376——Recollects Mr. Riley coming to the house in the evening of the election day, *ib.* 3377——Mr. Riley asked witness if she could provide him a room for a party that he should bring next day, and supply them with what they required, *ib.* 3378–3383——Evidence as to his having brought this party, and as to the refreshments supplied to them; no refreshments were supplied during the day at the cost of Mr. Riley but those that were of this party, *ib.* 3384–3390. 3392——The bill came to about 5 *l.*, *ib.* 3391——Some persons asked for drink during the day in Mr. Digby's name, and witness refused to let them have it, *ib.* 3398–3304.

The account for Mr. Riley's party is not yet paid; Mr. Riley called and said he would settle it in the course of a week or two, and witness was quite satisfied with that, *Rebecca Wright* 3405–3407. 3418, 3419. 3487–3513——Mr. Riley's party came in his own van and remained till the poll closed; how far they were eating and drinking all this time, *ib.* 3446–3459——Mr. Riley gave witness the order, and witness looks to him for payment, *ib.* 3462. 3467–3471. 3485–3513——Witness keeps the Wellington Inn, at Maldon, *D. Wright* 3514——Recollects a large party being there on the election day on Mr. Riley's order; they were none of them Maldon townsfolks, *ib.* 3515–3522.

To witness's knowledge, no human being had meat and drink on that day without paying for it, except Riley's party, *D. Wright* 3523–2545——The party came from Mr.

TREATING—continued.

3. *Evidence showing that this Treating was by the Order, &c.*—continued.

Riley's in his van; witness did not see Mr. Riley himself come with them, *D. Wright* 3546-3556——Witness does not consider the charge of 4 *s.* a head a high charge; he had nothing to do with the charge made, *ib.* 3587-3593——Resolution of the Committee that Joseph Riley was proved to have engaged rooms at the Wellington Inn, where treating was extensively carried on upon the day of polling, *Ev. p.* 120.

4. *Alleged case of Treating by a man of the name of Baxter at the Queen's Head, at Tollesbury.*

Witness is a confectioner, living at Maldon, *Baxter* 2486——Recollects being at Tollesbury about the 14th of March, when Mr. Western was canvassing there, *ib.* 2487-2490——Knows a man of the name of Bowles, and also a man of the name of Chatterson; went with them to the King's Head at Tollesbury and had some spirits and water; they each paid for what they had; paid the money to Miss Payne; witness in the first instance paid for Bowles, he having no change; Bowles afterwards changed a half sovereign, and repaid witness, *ib.* 2491-2518. 2592——Witness was canvassing at the time with Mr. Western, but he (Mr. Western) did not go into the King's Head, *ib.* 2519-2523——There was no concealment about witness having this brandy and water at the King's Head with Bowles and Chatterson, *ib.* 2815-2820.

Witness knows Charles Baxter; recollects his coming to Tollesbury about a fortnight before the election, *Bowles* 2826-2829——Went with him and a man of the name of Chatterson to a public-house, and had some brandy and water; Baxter paid for it in the first instance, and witness afterwards sent out and got change, and paid him for what he and Chatterson had, *ib.* 2830-2843. 2900-2923——Baxter did not treat witness; he had not a farthing's worth of anybody's treat, *ib.* 2844, 2845——Witness promised to give Mr. Western his vote the first time he asked him; this was three or four weeks before he went to the King's Head with Baxter, *ib.* 2857-2859——Witness heard it afterwards talked about that he had been treated by Baxter, and he then stated that he had paid for what he had, *ib.* 2860-2869.

See also *Bribery.* *Conductors.* *Corrupt Practices.* *Illegal Practices.* *Petitions.*

Turner, John. (Analysis of his Evidence.)—Voter for Maldon; voted at the last election for Mr. Western and Mr. Peacocke, 1059-1061——Lives at Little Baddow, about five or six miles from Maldon, 1062, 1063——Witness rode to Maldon on the day of the election in a four-wheeler that came from Baddow; does not know who drove it; was told by Mr. Riley to ride in this chaise, 1064-1066——On his arrival at Maldon witness went to the Duke of Wellington and had some refreshment; staid there some hours; there were many people there eating, drinking, and smoking; witness did not pay for what he had, nor did he see others pay, 1067, 1068. 1070-1087. 1093-1096. 1105, 1106. 1112-1136.

Witness saw Mr. Riley in the road by the Duke of Wellington, 1069——Recollects meeting John Brightwell there; saw Mr. Western come up to the Wellingon, and Brightwell went to ask him to stand something to drink, and on Mr. Western being told that Brightwell was not a voter, he said he might have something to drink if he liked, 1069-1092. 1097-1100——After this, witness went into the Wellington and had something to drink with Brightwell; did not pay for it, 1101-1104.

Witness went up to poll about a quarter to four, and voted for Western and Peacocke, 1107-1111——Witness believes it was after he had voted that he saw Mr. Western outside the Wellington; there were several people round him, 1137-1144——Witness returned to Little Baddow on the night of the election in the same way as he came to Maldon, 1150-1151——Witnsss saw Mr. Riley go in and out of the Wellington several times while he was there, 1152-1166. 1170-1175——Witness made up his mind about voting long before he came to Maldon, but would not tell anybody how he was going to vote, 1167-1169——[This witness was requested to point out Mr. Western, but was unable to do so, 1176-1178]——Brightwell was very forward in liquor when he went out to speak to Mr. Western, 1179-1189. 1195-1197——Witness does not think that Mr. Western said anything to Brightwell about witness's vote, 1190-1194.

U.

Undue Influence. Witness rents a little land under Mr. Dixon; he asked witness to vote for Mr. Western, and witness obliged him with a vote, *Wm. Ward* 2397-2400.

W.

Walliker, Thomas. (Analysis of his Evidence.)—Was employed as a messenger at Mr. Western's rooms that were taken for the purpose of the election, 3624-3627——Never saw Mr. Riley there at all, 3628-3639.

Report, 1857—*continued.*

Ward, Maria. (Analysis of her Evidence.)—Wife of William Ward, 2406——Shortly after the election witness had occasion to see Mr. Digby, of Maldon, relative to binding her son out apprentice, 2407-2413——Particulars relative to what passed between witness and Mr. Digby as regards her husband's breakfasting at Mr. May's farm on the morning of the election; observation made by Mr. Digby that witness was not to say anything about this, or not to take any notice of it, 2414-2458——Witness has since been examined upon this by Mr. Cood, and has signed some paper, 2459-2462.

Ward, William. (Analysis of his Evidence.)—Lives at Great Totham; went to vote at the Maldon election, 2359, 2360——Breakfasted at Mr. May's farm along with eight or nine other voters before going to Maldon, 2361-2378. 2401-2404——Witness voted for Moore and Western; has mostly voted for the two blues before, 2379, 2380——Witness had no refreshment at all when he got to Maldon, and went back to Totham again in the afternoon, 2381-2383. 2395——Witness was canvassed by Mr. Western; Mr. Edwin May was with Mr. Western at the time, 2385-2394——Witness rents a little land under Mr. Dixon; he asked witness to vote for Mr. Western, and witness obliged him with a vote, 2397-2400.

Webb, Thomas. (Analysis of his Evidence.)—Lives at Danbury, about three miles from Maldon; is a freeman of the borough, 885-887——Evidence as to witness having been canvassed for Mr. Western by Mr. Riley; witness stated he would not give any answer; observation made upon this by Mr. Riley, that if witness would promise him his vote he would let him have his flour a shilling a bushel cheaper than what the custom of the country was, 888-899. 919-926——Was at Maldon on the day of the election; went to the Duke of Wellington public-house and saw several voters there; witness had some beer there, 900-913——Witness voted for the two blues; has always been a blue, 914-918.

[Second Examination.]—On the day of the election witness went to the "Wellington" public-house; met George Allen, and walked up with him and had part of three or four pints of beer along with him; witness only went into the tap-room, and stayed from half an hour to an hour, 1599-1610——Did not pay for any of the beer, nor does he know who did, 1616, 1617. 1625-1627.

Wellington Public House. See *Treating*, 1. 2. 3.

Western, Thomas Sutton (a Member of The House). (Analysis of his Evidence.)—Sitting Member for Maldon, 3897——Witness's father has a large hereditary property in the immediate vicinity of Maldon, 3898-3902. 3994-3997——On the death of the late Mr. Leonard witness became a candidate for the borough; issued his address in about three or four weeks after his death, and began his canvass in the month of October last; a requisition was presented to witness upon the issue of his address, 3903-3906——Reasons for witness employing Mr. Digby as his agent, 3907-3910——Witness prosecuted his canvass with young Mr. Digby, and in the course of it called on Mr. Riley, 3911-3913.

Witness called on Mr. Riley to canvass his men; in every case witness called upon the master first to ask leave to canvass the men, 3911-3913——Mr. Riley never canvassed with witness, 3914, 3915——Witness gave Mr. Digby strict injunctions not to proceed to any illegal practices, 3916, 3917——Witness has not promised to pay anything beyond the legal expenses of the election, 3918, 3919——Witness went to the Wellington just before the poll closed, having been told there was a voter or two there who would vote for him if he went and asked them; witness was there only three or four minutes, 3920-3943.

Witness did not see anything like drunkenness, 3939. 3952-3958——Witness did not give any one authority to have drink in his name, 3945, 3946——Witness had not the smallest notion of the entertainment given to Mr. Riley's people; witness has not paid the bill, nor has he been asked to pay it, 3947-3951——Names of the principal gentlemen who attended witness on his different canvasses, 3959-3983——Witness went a few times to the room used for the purposes of the election, but always disclaimed it as a committee-room, 3984-3993——There was no committee-room from beginning to end, 3994.

[Second Examination].—Witness was consulted about the petition against the return of Mr. Bramley Moore, 4000——How far witness has had anything to do with the presentation of this petition; it was suggested that witness should be at the expense of it, but he has not contributed anything towards it as yet, 4001-4024——Witness does not know that Mr. Digby has indemnified the petitioners; he never heard of it till this moment, 4025-4027——When Mr. Digby first spoke to witness about it, it was not completed, but he had a certain amount of evidence to go upon, 4031-4035——It was presented on the last day, 4036——Mr. Digby has never intimated that he should contribute any portion of the expense, and witness fully anticipates that he will have to pay the whole; witness does not know any one who is pledged to contribute towards it, 4037-4046.

Mr. Digby is employed as witness's solicitor in the presentation of this counter-petition to the House, 4047-4052——Witness told Mr. Bramley Moore that Mr. Digby had come up to London, and told witness that the petition must be presented in consequence of Mr. Bramley Moore's agent having been employed in getting up evidence against

 witness,

Report, 1857—*continued.*

Western, Thomas Sutton (a Member of The House). (Analysis of his Evidence)—*continued.*

witness, 4053-4065——Witness had heard that there had been cases of bribery and treating, but did not tell Mr. Moore this, 4065-4069.

Evidence as to Mr. Moore having told witness that he had written to his agent, who denied having had any hand in getting up evidence against witness; this must have been after the petition was presented, 4070-4076——After this, witness did not recommend the petition to be withdrawn, 4077——Witness believes Mr. Digby has said that if this petition was presented, it might induce Mr. Peacocke to withdraw the petition against witness, 4078-4088——Mr. Western had understood from Mr. Moore that he disapproved of the petition presented by Mr. Peacocke, 4089-4093——Counsel were consulted before this petition was presented, 4094, 4095——Reasons why witness considered that he had as good grounds for presenting his petition as the other party had for presenting theirs, 4096-4119——One of witness's objects was to disqualify Mr. Peacocke from being a candidate in case witness was unseated, 4119, 4120.

Western, Mr., M.P. Mr. Western is connected by property with the district, *G. W. Digby* 2950-2952. 3069-3073——Witness saw Mr. Western in the Wellington once during the day for about two or three minutes; he merely passed through the bar, and looked into one or two of the rooms, *Rebecca Wright* 3427-3445. 3460——Witness is a voter; voted for Mr. Western; did not take much part in the election, *D. Wright* 3557-3565——Witness saw Mr. Western at the Wellington for a short time; he did not go into the room where Mr. Riley's party was, *ib.* 3574-3586——Resolution of the Committee that Thomas Sutton Western, esquire, is duly elected a burgess to serve in the present Parliament for the borough of Maldon, *Ev. p.* 120.

See also *Agents*, 1. *Coals, Distribution of. Petitions. Requisition to Mr. Western.*

Witnesses. Witness was in the committee-room at the last meeting of the Committee; accidentally came into the room for five minutes, but did not hear anything of the evidence, *Lansdell* 2252-2265.

See also *Evidence. Tampering with Witnesses.*

Wright, David. (Analysis of his Evidence)—Keeps the Wellington Inn, at Maldon, 3514——Recollects a largish party being there on the election day on Mr. Riley's order; they were none of them Maldon townsfolks, 3515-3522——To witness's knowledge, no human being had meat and drink on that day without paying for it, except Riley's party, 3523-3545——The party came from Mr. Riley's in his van; witness did not see Mr. Riley himself come with them, 3546-3556——Witness is a voter; voted for Mr. Western; did not take much part in the election, 3557-3565; Witness saw Mr. Western at the Wellington for a short time; he did not go into the room where Mr. Riley's party was, 3574-3586——Witness does not consider the charge of 4*s.* a head for Mr. Riley's party a high charge; he had nothing to do with the charge, 3587-3598——Witness has always supported the Liberal party, 3594, 3595.

Wright, Rebecca. (Analysis of her Evidence)—Witness's husband keeps the Wellington Inn, at Maldon; witness manages it for him; takes orders and supplies the victuals and drink; did so at the election time, 3372-3376——Recollects Mr. Riley coming to the house on the evening of the election day, 3377——He asked witness if she could provide him a room for a party that he should bring next day, and supply them with what they required, 3378-3383.

Evidence as to Mr. Riley having brought this party, and as to the refreshments supplied to them; no refreshments were supplied during the day at the cost of Mr. Riley but those that were of this party, 3384-3390. 3392——The bill came to about 5 *l.*; 3391——Besides this, witness took, in ready money on that day, about 16 *l.* or 17 *l.*; has taken more than this on fair days, 3393——Some persons asked for drink during the day in Mr. Digby's name, and witness refused to let them have it, 3398-3404.

The account for Mr. Riley's party is not yet paid; Mr. Riley called and said he would settle it in a week or two's time, and witness was quite satisfied with that, 3405-3407. 3418, 3419. 3487-3513——Witness saw George Allen in the passage, but did not see him canvass any voters, nor treat anybody, 3408-3417——Witness did not see a man of the name of Brightwell in the house, 3420-3426——Witness saw Mr. Western in the house once during the day for about two or three minutes; he merely passed through the bar and looked into one or two of the rooms, 3427-3445. 3460——Mr. Riley's party came in his van, and remained till the poll closed; how far they were eating and drinking all this time, 3446-3459——Mr. Riley gave witness the order, and witness looks to him for payment, 3461-3463. 3467-3471. 3485-3513.

Writ and Return. Chief clerk in the Crown Office; produces the writ and return for the borough of Maldon, and also the poll-books; date of the return, *Naylor* 1-7.

MALDON ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MALDON BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1857.)

Ordered, by The House of Commons; *to be Printed*,
31 *July* 1857.

[*Price* 1 *s.* 9 *d.*]

226—Sess. 2.

Under 20 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MARLBOROUGH BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1857.)

Ordered, by The House of Commons, *to be Printed,*
25 *August* 1857.

Mercurii, 24° *die Junii*, 1857.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Marlborough:

Lord Robert Talbot Cecil.	Frederick Dundas, Esq. (Orkney.)
Robert Porrett Collier, Esq.	Richard Malins, Esq.

HENRY KER SEYMER, Esq., Chairman.

Jovis, 25° *die Junii*, 1857.

Ordered, THAT the Petition and List relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet to-morrow, in one of the committee-rooms of the House, at Eleven o'clock.

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REPORT.

MARLBOROUGH BOROUGH ELECTION COMMITTEE.

Lunæ, 29° die Junii, 1857.

THE HOUSE informed, that the Committee had determined,—

That Henry Bingham Baring, Esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Marlborough.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 26° die Junii, 1857.

Names of the Members called over; all present.

Room cleared. Committee deliberated.

The Committee agreed to the following preliminary Resolutions:—

1. " That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. " That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. " That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the Agents, whose names shall be handed in, without the special leave of the Committee. This Resolution, however, does not apply either to the Petitioner or the Sitting Member.

4. " That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

5. " That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

6. " That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent."

The Petition of *William David Lewis*, of 3, New-square, Lincoln's Inn, in the county of Middlesex, and 1, Kensington-square, in the said county, Esquire, barrister-at-law, complaining of an undue Election and Return for the borough of Marlborough, read.

Counsel for the Petitioner, Mr. *Edward James*, Q.C.; Mr. *Rodwell*; Mr. *Higgins*.

Agents, Messrs. *Harrison & Lewis*.

Counsel for the Sitting Member, Mr. *Edwin James*, Q.C.; Mr. *Pickering*, Q.C.; Mr. *Forsyth*.

Agents, Mr. *Henry Smith Lawford*, Mr. *James William Waterhouse*, Mr. *John Halcomb*.

Mr. *Edward James* opened the case on the part of the Petitioner.

The short-hand writer was sworn by the Chairman.

Mr. *J. R. Naylor*, sworn; examined by Mr. *Rodwell*; produced writ and return, and handed in one poll-book of the last election.

Mr. *John Harrison*, sworn; examined by Mr. *Rodwell*; cross-examined by Mr. *Edwin James*; re-examined by Mr. *Edward James*.

Mr. *William Wheildon*, sworn; examined by Mr. *Edward James*; cross-examined by Mr. *Pickering*; re-examined by Mr. *Edward James*.

Mr. *Frederick Bowden*, sworn; examined by Mr. *Edward James*; cross-examined by Mr. *Forsyth*.

Mr. *Thomas Levick*, sworn; examined by Mr. *Edward James*.

Mr. *Rodwell* applied to the Committee to call upon the Counsel on the other side to prove the qualification of the Sitting Member before the case of the Petitioner was further proceeded with, as the declaration put in respecting the Sitting Member's qualification was vague and insufficient.

Mr. *Pickering* heard against the application.

Resolved, " That the Counsel for the Sitting Member proceed to prove the qualification."

Mr. *James William Waterhouse*, sworn; examined by Mr. *Pickering*; cross-examined by Mr. *Edward James*.

Mr. *Edward James* replied upon the evidence of the last witness.

Room cleared. Committee deliberated.

Parties

Parties called in.

Mr. *James* further heard, contending that the assignment from Mr. Thomas Baring to the Sitting Member of a rentcharge on certain messuages was not a *bonâ fide* transaction, and that the property was so encumbered as not to be of the yearly value required by the Act of Parliament in such cases.

Mr. *Pickering* heard in answer.

Room cleared. Committee deliberated.

Motion made, and question proposed, "That it is incumbent on the Sitting Member to give further evidence as to the estate of the grantor in the property upon which the rentcharge of 300*l.* is charged by the grant of March last, and as to the value of such property," (Mr. *Malins.*)

Question put. Committee divided:

Ayes, 2.	Noes, 3.
Mr. Dundas.	Lord R. Cecil.
Mr. Malins.	Mr. Collier.
	Mr. Ker Seymer.

Resolved, "That the Counsel for the Petitioner proceed to call evidence to impugn a *primâ facie* case of qualification set up on behalf of the Sitting Member."

Parties called in, and informed of the above Resolution.

Mr. *William Gatherer*, sworn; examined by Mr. *Edward James.*

Mr. *Charles Argles*, sworn; examined by Mr. *Edward James*; cross-examined by Mr. *Pickering.*

Mr. *Arthur George Lovell*, sworn; examined by Mr. *Edward James*; cross-examined by Mr. *Forsyth*; re-examined by Mr. *Edward James.*

[Adjourned till 11.30 To-morrow.

Sabbati, 27° die Junii, 1857.

Members all present.

Mr. *Pickering* heard in support of the Sitting Member's qualification, and contended that the notice given of such was sufficient, and applied that the other side be non-suited.

Mr. *Edward James* heard in reply.

Room cleared. Committee deliberated.

Resolved, (1) "That Henry Bingham Baring, Esq., is qualified, according to the provisions of the Act 1 & 2 Vict. c. 48, intituled, An Act to amend the Laws relating to the Qualification of Members to serve in Parliament."

Resolved, (2) "That Henry Bingham Baring, Esquire, is duly elected a Burgess to serve in this present Parliament for the borough of Marlborough."

Parties called in and informed thereof.

Mr. *Pickering* applied to the Committee to award costs, under the 11 & 12 Vict. c. 98, alleging that the Petition was frivolous and vexatious.

The Committee refused the application.

Ordered, to Report the second Resolution to The House.

LIST OF WITNESSES.

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Mr. Charles Argles	9
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MINUTES OF EVIDENCE.

Veneris, 26° *die Junii*, 1857.

MEMBERS PRESENT.

Mr. Ker Seymer.
Lord Robert Cecil.
Mr. Malins.
Mr. Collier.
Mr. Frederick Dundas.

HENRY KER SEYMER, Esq., in the Chair.

Counsel for the Petitioner, Mr. *Edward James*, Mr. *Rodwell*, and Mr. *Higgins*.

Agents, Messrs. *Harrison* and *Lewis*.

Counsel for the Sitting Member, Mr. *Edwin James*, Mr. *Pickering*, and Mr. *Forsyth*.

Agents, Mr. *Harry Smith Lawford*, Mr. *James William Waterhouse*, and Mr. *John Halcomb*.

The Petition of William David Lewis, Esquire, of No. 3, New-square, Lincoln's Inn, in the county of Middlesex, was read.

Mr. *Edward James* was heard to open the case on behalf of the Petitioner.

Mr. *James Richard Naylor*, sworn; Examined by Mr. *Rodwell*.

Mr. *J. R. Naylor*.
26 June 1857.

1 ARE you a Clerk in the Crown Office?—Yes.
2. Do you produce the poll-books, and the return for the last election of Marlborough?—Yes, the poll-book; there is but one.
3. Who were the candidates at that election?—They are stated in the column to be "Bruce, Baring, and Lewis."

Mr. *Rodwell* stated that he would put in the office copy of the declaration of Henry Bingham Baring's qualification as lodged at the Petty Bag Office, and inquire whether the other side disputed it.

Mr. *Edwin James* had no doubt that it was quite right.

Mr. *John Harrison*, sworn; Examined by Mr. *Rodwell*.

Mr. *J. Harrison*.

4. DID you serve a notice, at the request of Mr. Lewis, to make a declaration of qualification on Mr. Bingham Baring?—On his agents.
5. On the 26th of March?—Yes.
6. What time of the day?—About a quarter past nine.
7. Morning or evening?—In the evening.
8. Who were those gentlemen?—Mr. Christopher Day and Mr. John Halcomb; I gave them 5*s*. apiece.

Mr. *J. Harrison.*

26 June 1857.

Cross-examined by Mr. *Edwin James.*

9. Did you know that Mr. Bingham Baring was abroad?—No.

10. Not at that time?—No.

11. Had you heard Mr. Lewis's speech at the hustings?—Yes, I believe I had.

12. Had you heard him say he had been concerned as counsel in the British Bank case, and he knew that Mr. Baring was away?—I believe I did.

13. And did he say that was the reason he came down to Marlborough?—I am not sure of that.

14. Did not Mr. Lewis say, "I happen to know more of the affairs of the Royal British Bank than any who have spoken to you about it to-day"?—I believe that is correct.

15. "How the shares were taken, and how they were got rid of, I can tell you?"—That is correct.

16. "If I am put to the point on any personal matter, it shall come out—(*loud cheers*)"?—I do not recollect the loud cheers.

17. Did he go on to say, "I have got it in black and white"?—I cannot pledge myself to the exact words.

18. "I am not going to say anything now"?—Yes.

19. "I have tried to carry on the contest on my own principles without any personalities, but let not any one be too minute in reference to the circumstances of that case. This much I will say; the literal expressions of Mr. Baring's address will not bear too minute an inspection; it contains some inaccuracies which I was probably unable to put right at a distance. I know all the facts of this case by my professional acquaintance with them"?—I remember that.

20. You believe that he said that?—Yes.

21. Did you hear him say that he knew Mr. Baring sold his shares in the British Bank three weeks before the stoppage?—I cannot say.

22. Did he not say that Mr. Baring was abroad in consequence of the difficulties of the British Bank?—I think it was very likely.

23. And you demanded the qualification, knowing that gentleman was abroad?—I did.

24. Was this his address? Had you seen this [*producing a placard*]?—I had.

25. I suppose it was thought rather a clever thing to demand his qualification, knowing he was abroad?—I did not consider it so.

26. Who prepared the demand?—I believe Mr. Lewis himself.

27. Did you see him writing the demand for the qualification?—No, I did not.

28. Did he give you the draft he prepared?—He gave me the draft, and I had it copied.

29. At that time Mr. Baring had not appeared?—I had seen him.

30. Where do you live?—14, Boswell-court, Lincoln's-Inn.

31. You did not know that Mr. Baring was abroad?—Not personally.

32. You are a partner with Mr. Lewis, and Mr. Lewis is the brother of the petitioner?—Yes.

33. The same Mr. Lewis who went to Pomfret?—Yes.

34. When did you know that Mr. Lewis intended to start for Marlborough?—I think it was probably about a week before the election took place that he told me.

35. We hear that he alluded to the British Bank; had you any papers of the British Bank which your firm had laid before him?—I think we had not at that time.

36. Try and recollect?—I should not remember, because my partner, Mr. Lewis, attends to that branch of the business; if you ask me about the time, I cannot give you the information.

37. Had you papers of the British Bank which were submitted to the brother of your partner?—Yes.

38. As counsel?—Yes.

39. In what case?—In Marcus' case.

40. Is he the man who bought shares of Mr. Bingham Baring?—Yes.

41. Were they seeking to fix Marcus with liability? What is Marcus?—I can scarcely tell you, because I have not attended to that part of the business at all.

42. Do

Mr. *J. Harrison.*

26 June 1857.

42. Do not you know whether your client is a merchant or a gentleman, or what he is?—I cannot tell at the moment.

43. Then these papers which you had with reference to Marcus were submitted by Mr. Lewis, your partner, to Mr. Lewis as counsel for your firm?—Yes.

44. He is a Chancery counsel?—Yes.

45. So that he became acquainted with the fact that Mr. Baring was a shareholder?—I do not know.

46. You must know that; is not your client the very man who bought the shares of Mr. Bingham Baring?—Yes, I believe he was.

47. Then Mr. Marcus having bought shares from Mr. Bingham Baring, Mr. Lewis was the adviser of Mr. Marcus?—Yes.

48. Then he would get the fact when he sold them, and when he disposed of them?—Yes, I believe so.

49. You were at the hustings when he spoke about a silk gown, and so on?—I do not recollect.

50. You knowing that your partner, Mr. Lewis, had submitted these proceedings of Mr. Marcus to Mr. Lewis, the petitioner, when he said he had a personal acquaintance with the facts as counsel, you knew to what he alluded?—Yes.

51. That as counsel he had ascertained these facts?—Yes.

Re-examined by Mr. *Edward James.*

52. Did you ask these gentlemen, the agents, for the address of Mr. Baring?—I did.

53. And did they give it you, or give any reason why?—They said they did not know it.

54. However, they took the notice for the purpose of forwarding it to him?—They took the notice.

55. Did they say they would forward it to him?—I am not so certain as to that.

56. *Committee.*] They took the notice?—Yes.

[*The notice was delivered in, and is as follows:*]

"To Henry Bingham Baring, Esquire.

"WHEREAS you are a candidate at the election of Members of Parliament for the borough of Marlborough, in the county of Wilts, now about to be held pursuant to the Queen's writ in that behalf: and whereas the undersigned William David Lewis is also a candidate at the said election; now the undersigned do hereby give you notice that they require you, pursuant to the statute made and passed in the first and second years of the reign of Her present Majesty Queen Victoria, chapter 40, within 24 hours from the service of this notice upon you or your agent at this election, to make and subscribe before a proper person a declaration in the form prescribed by the said statute, of the particulars and nature of your qualification to be elected such Member.

"Dated this 26th day of March 1857.

"*Harrison & Co.,*

Agents for the said William David Lewis.

"*Wm. David Lewis.*"

"26th March 1857.

"SERVED a fair copy on Mr. Christopher Day and Mr. John Halcomb, solicitors and agents to Henry Bingham Baring, this day at half-past nine o'clock p.m., and paid them 5*s.* each. At the same time asked them for the address of the said Henry Bingham Baring, when they said they were ignorant of such address.

"*John Harrison.*"

"27th March 1857.

"SERVED fair copies of the within notice on Mr. Christopher Day and Mr. John Halcomb, and Colonel Baring, this day at the nomination, and before a show of hands, and enclosed in each notice 5 *s.*

"*J. H.*"

Mr. *William Wheildon*, sworn; Examined by Mr. *Edward James*.

Mr. *W. Wheildon*.

26 June 1857.

57. YOU reside at Fulham?—Yes.

58. Are you in the employment of the agents for the petitioner?—Yes.

59. Did you go to the parishes of St. Dunstan, St. Olave, and to Mark and Mincing lanes?—Yes.

60. Did you ascertain from the parish officers the boundaries of the parishes?—Yes.

61. Did you make inquiries then from house to house as to any property possessed by Mr. Bingham Baring?—Yes.

62. I believe you inquired at every house in the district?—Yes.

63. Could you ascertain whether Mr. Bingham Baring had any property there?—No.

64. Did you inquire at all the houses there?—At every house in Mincing-lane and Mark-lane.

65. Those streets being in those parishes?—Yes.

66. What was the result of the inquiries?—I could not find any property said to belong to Mr. Bingham Baring there.

67. Did you inquire who the landlords were?—Yes, very specially.

68. How many days did you spend over it?—Three or four days; the two streets.

69. Did you try to ascertain as regards the parish rates whether he had any property there?—I saw both the collectors of rates and of income tax.

70. From them could you learn whether he had any property at all in the parish?—I did not learn that he had any.

71. Was the name to be found there?—No.

Cross-examined by Mr. *Pickering*.

72. It was Mincing-lane, in the parish of St. Dunstan, that you went to?—Yes.

73. And you went to every house, and inquired of the tenants?—Yes.

74. What was the nature of your inquiry?—I asked them as to the name of the landlord of the house. In many cases that was refused to be given; and then whether Mr. Bingham Baring was the landlord, or whether he had any interest in the property, or was known in connexion with it, I was unable to ascertain.

75. And every house in Mincing-lane you went to?—In the parish of St. Dunstan.

76. Did many people refuse to give you information?—Very few; two or three.

77. How many?—Perhaps two or three; very few indeed.

78. Did some of the houses consist of lodgers?—No, offices chiefly.

79. Separate offices and separate floors?—Many of them.

80. Did you inquire in all the offices on the floors?—In the chief office of each house.

81. Then there were several you did not inquire into?—Several up-stairs.

82. They are like those large mercantile warehouses we see in the City, firms on different floors?—They are frequently underlet by one party, who occupies the chief portion.

83. And sometimes not?—Chiefly so.

84. You say you inquired of what you considered to be the chief person in most of them?—Yes.

85. In all of them?—Most of them; those who occupied, and those who underlet. I did not go to the under-tenants.

86. How did you know they were underlet?—I heard so from the other offices.

87. You went to the chief person; but did not go to the different floors?—Not in every case.

Re-examined by Mr. *Edward James*.

88. You went for the purpose of getting information as to Mr. Bingham Baring?—Yes; and I might be referred to another person in the same house.

89. They

Mr. *W. Wheildon.*

26 June 1857.

89. They would not tell you who the landlord was sometimes?—Occasionally.

90. When you asked them if Mr. Bingham Baring had anything to do with it, or any interest in the property?—The answer was invariably no.

91. So that, although in some instances you learned nothing as to the real landlord, in all instances you learned that Mr. Bingham Baring was not?—Mr. Bingham Baring was not.

92. And that he had no interest in the property?—Yes.

93. And you went to the principal persons?—Yes.

94. And you learned from them whether they were sub-tenants?—Yes.

95. If they were sub-tenants you did not look after them?—Either the head tenant, or the most influential person on the premises.

96. Were you content with less than that?—Never.

97. As a reasonable man, did you satisfy yourself that he had no property there, or any connection with it?—Perfectly so, so far as I went.

[The Witness was directed to withdraw.

Mr. *Frederick Bowden*, sworn; Examined by Mr. *Edward James.*

Mr. *F. Bowden.*

98. DID you go to the Commercial Sale-rooms to ascertain whether Mr. Bingham Baring had any property there?—Yes.

99. What are you, Mr. Bowden?—A solicitor.

100. You went to inquire who were the shareholders, and had an interest in the property?—Yes.

101. Did you find whether he had any interest in that property?—I saw the accountant, and he said that Mr. Baring was not a shareholder.

102. Did you also go to the Old Corn Exchange, to ascertain there?—I did; the chief clerk informed me he was not.

103. *Committee.*] You could not ascertain that he had any interest?—No.

104. Mr. *Edward James.*] Was there any refusal to give you information?—Not the slightest.

105. Were they desirous to give you all the information they possessed?—Yes.

Cross-examined by Mr. *Forsyth.*

106. Mr. Baring is not a merchant?—No.

107. You merely went to the Commercial Sale-rooms to ascertain who were the shareholders?—Yes.

108. Shareholders of what?—Of the Commercial Sale-rooms.

109. You went to the Corn Exchange, and asked the same question there?—Yes.

110. Is that the only inquiry you made, whether Mr. Bingham Baring had any property in that neighbourhood?—No. I made another inquiry with regard to three houses, Nos. 1, 2, and 43, in Mincing-lane.

111. Are those private houses, or offices?—They are occupied as offices.

112. Is each house occupied as one single office, or several offices?—Several offices.

113. Did you go to each floor in each house?—No; I have seen the landlord of each house.

114. At that house?—At or in the neighbourhood.

115. Did you see the landlord at the house or office when you called there first?—At No. 1, I saw the landlord of the house himself.

116. At the house?—Yes.

Examined by the *Committee.*

117. Why did you fix upon Nos. 1, 2, and 43?—Because those are the only houses in Mincing-lane that are in another parish.

118. Did you know that the qualification was described as being in St. Dunstan's in the East?—Yes.

Mr. *F. Bowden.*

26 June 1857.

119. Why did you go out of St. Dunstan's in the East?—I believe it was thought desirable to ascertain who were the freeholders of those three premises.

120. You did not make any inquiries in the houses that were in the parish?—No; I was aware that there had been inquiries made there already.

[The Witness was directed to withdraw.

Mr. *Thomas Levick*, sworn; examined by Mr. *Edward James.*

Mr. *T. Levick.*

121. WHAT are you?—The secretary of the Old Corn Exhange, Mark-lane.

122. Is that in St. Dunstan's parish?—No.

Mr. *Rodwell* submitted that he had given sufficient evidence to prove that the qualification did not give the Petitioner sufficient information, that the ordinary rule might be departed from, and that the Committee would now call on the Sitting Member to prove his qualification.

The *Chairman* stated the Committee were of opinion that the Counsel for the Sitting Member should proceed to prove his qualification.

Mr. *James William Waterhouse*, sworn; examined by Mr. *Pickering.*

Mr. *J. W. Waterhouse.*

123. YOU are one of the firm of Lawford and Waterhouse, Solicitors?—Yes.

124. Are you one of the witnesses to that document? (*handing a paper to the Witness.*)—No.

125. Is that Mr. Thomas Baring's handwriting?—Yes.

126. What is that document?—A grant of rent-charge.

127. By whom?—By Mr. Thomas Baring.

128. What was the date?—The 20th of March 1857.

129. What Thomas Baring is that?—The Member of Parliament for Huntingdon.

130. Mr. *Pickering*] And the other signature?—The other signature is Mr. Henry Bingham Baring's.

131. Will you read it?—Yes.

132. *Committee.*] What is the consideration?—Natural love and affection. "Witnesseth, that in consideration of the natural love and affection which the said Thomas Baring had for his cousin, the said Henry Bingham Baring, and also of the proviso and condition hereinafter contained on the part of the said Henry Bingham Baring to be performed and kept, he the said Thomas Baring hath given and granted, and by these presents doth give and grant, direct, limit and appoint unto the said Henry Bingham Baring a yearly rent-charge of 300 *l.* of lawful money of Great Britain, to be issuing and payable out of all those freehold messuages or tenements and premises of and belonging to the said Thomas Baring, situate and being No. 29, Mincing-lane, and No. 27, Mark-lane, in the City of London, now in the tenure or occupation of Messrs. Corrie and of Messrs. Begbie, Young & Co., respectively; to have and to hold the said yearly rent-charge unto the said Henry Bingham Baring for and during the term of the natural life of him the said Henry Bingham Baring, but subject nevertheless to proviso, condition, or agreement hereinafter contained."

133. During the life of Henry Bingham Baring?—Yes.

134. There is a restraint on alienation?—Precisely, without consent.

135. Mr. Bingham Baring cannot part with it?—No, unless Mr. Thomas Baring agrees to his doing so.

136. Are you the attesting witness?—No.

137. Who is the attesting witness?—Mr. Maynard is attesting witness to the signature by Thomas Baring, and Lord Poltimore is the witness to the execution by Mr. Henry Bingham Baring.

Cross-examined by Mr. *Edward James.*

138. Was that prepared in your office?—No.

139. You know nothing more of the circumstances than that you know the handwriting of Mr. Thomas Baring?—Yes, I know more than that; I spoke to Mr. Thomas Baring about his property.

140. Never

Mr. *J. W. Waterhouse.*

26 June 1857.

140. Never mind that; you did not see Mr. Bingham Baring?—Not on that occasion; I sent it to him.

141. It was not prepared in your office?—No.

142. Do you know yourself when it was executed, of your own knowledge?—I can tell you, in this way——

143. Are you of your own knowledge aware when it was executed; not the date, but when it was exactly executed by Mr. Thomas Baring?—Yes; I spoke to Mr. Thomas Baring about his granting it the day before he promised to have it done; I saw Mr. Maynard about doing it on the morning of the day on which it was signed; in the afternoon he brought me the deed executed.

144. All you know is, that on one particular day you spoke to Mr. Thomas Baring, and the day after that day it was brought to you; is that so?—That, I believe, is quite the thing; it was, I believe, the day before.

145. Mr. *Pickering.*] Which day was it brought to you executed?—The day of the date.

146. Mr. *Edward James.*] Did you make any memorandum of the date of the day when you spoke to Mr. Thomas Baring?—I daresay I have, but I cannot be certain of it.

147. Have you any recollection of the date of that, irrespective of this deed?—I only know it was about five or six days before the election.

148. Of that you are quite sure?—Yes.

149. Do you know in what parish the house No. 29, Mincing-lane, is?—No, I cannot say, from memory.

150. Do you know in what parish 27, Mark-lane, is?—The two houses together are in those three parishes.

151. Do you know in what parish 29, Mincing-lane, is?—In either one or the other, or partly one or partly the other.

152. Are they adjoining houses, 27 and 29?—I think they are adjoining; I think they communciate at the back.

153. Then the houses are near to each other?—Yes.

Examined by the *Committee.*

154. At what period is this annuity to be paid?—I do not remember that any particular time is mentioned.

155. Are you aware whether anything has been paid under it?—No.

156. The deed does not state on what days it is to be paid; do you know whether Mr. Thomas Baring is seised in fee of these houses?—He is.

157. Is that within your own knowledge?—Yes.

158. Free from all incumbrances?—Yes.

159. Is that within your own knowledge?—Yes.

160. Do you know anything about the value of them?—I have marked in the margin the rental of them; it is nearly 600*l.*; 590*l.* clear of all outgoings.

[*The following document was handed in:*]

"This Indenture, made the 20th day of March 1857, between Thomas Baring, of Upper Grosvenor-street, in the county of Middlesex, Esquire, of the one part, and Henry Bingham Baring, of Eaton-square, in the same county, Esquire, of the other part: Witnesseth, that in consideration of the natural love and affection which the said Thomas Baring hath for his cousin, the said Henry Bingham Baring, and also of the proviso and condition hereinafter contained on the part of the said Henry Bingham Baring to be performed and kept, he the said Thomas Baring hath given and granted, and by these presents doth give and grant, direct, limit, and appoint unto the said Henry Bingham Baring a yearly rent-charge of 300*l.* of lawful money of Great Britain, to be issuing and payable out of all those freehold messuages or tenements and premises of and belonging to the said Thomas Baring, situate and being No. 29, Mincing-lane, and No. 27, Mark-lane, in the City of London, now in the tenure or occupation of Messrs. Corrie and of Messrs. Begbie, Young & Co. respectively; to have and to hold the said yearly rent-charge unto the said Henry Bingham Baring for and during the term of the natural life of him the said Henry Bingham Baring; but subject nevertheless to the proviso, condition, or agreement hereinafter contained; (that is to say), provided always, and these presents are upon this express condition nevertheless, and it is hereby declared and agreed by and between the said parties hereto, that if the said Henry Bingham Baring do or shall at any time hereafter, by any ways or means whatsoever, grant, bargain, sell, assign, convey, transfer, or otherwise make over to any person or persons whomsoever, the said yearly rent-charge hereby or intended

Mr. *J. W. Waterhouse.*

26 June 1857.

intended to be hereby granted, or any part thereof, without the special license and consent of the said Thomas Baring, or his heirs, under his or their hand first had and obtained for that purpose, or do or shall at any time hereafter make, do, commit, or execute, or cause, procure, permit, or suffer to be made, done, committed, or executed any act, deed, matter or thing whatsoever, whereby or by reason or means whereof the said yearly rent-charge, or any part thereof, or any estate or interest therein, shall or may be transferred unto, or become vested in any creditor or creditors, assignees, trustees, or other person or persons whomsoever, then and in either of the said cases these presents, and the yearly rent-charge hereby or intended to be hereby granted, shall immediately thereupon cease, determine, and be utterly void to all intents and purposes whatsoever; and in that case also it shall be lawful for the said Thomas Baring, and his heirs, then and from thenceforth and immediately thereafter, to have, hold, occupy, possess, and enjoy the said freehold messuages and premises hereby charged or made chargeable with the payment of the said yearly rent-charge, freed and absolutely discharged of the same in such and the same manner, to all intents and purposes whatsoever, as if these presents had not been made, anything herein contained or implied to the contrary thereof in anywise notwithstanding: Provided, also, and it is hereby further declared and agreed by and between the said parties hereto, and the said Henry Bingham Baring doth hereby expressly consent and agree, that the premises hereinbefore made chargeable with the payment of the said yearly rent-charge shall not at any time be chargeable with, or be liable to pay any further or greater portion of the same than one year's arrears thereof, nor shall the person of the said Thomas Baring be in or under any case or circumstance liable to pay the same, or any part thereof, any rule of law or equity, or anything hereinbefore contained or implied to the contrary thereof, in anywise notwithstanding. In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Thomas Baring. (L. S.)

Signed, sealed, and delivered by the above-named Thomas Baring, in the presence of

Joseph Maynard, 57, Coleman-street, London.

Henry Bingham Baring. (L. S.)

Signed, sealed, and delivered by the above-named Henry Bingham Baring, in the presence of

Poltimore, 25, Grosvenor-square, London."

Mr. *Pickering* stated that that was all the evidence he intended to offer on the point.

Mr. *Edward James* submitted that the evidence was not sufficient to show that the Sitting Member had an estate of 300*l.* a year, clear of incumbrances, in the property in question.

The room was cleared.

The Committee deliberated.

Upon Counsel and Agents being called in,

The *Chairman* stated that the Committee wished Mr. James to proceed with his argument.

Mr. *Edward James* concluded his argument.

Mr. *Pickering* was heard in reply; and stated that he would call Mr. Thomas Baring, if the Committee desired it.

The room was cleared.

The *Committee* deliberated.

Upon Counsel and Agents being called in,

The *Chairman* stated that the Committee had come to the following resolution:—

"That the Counsel for the Petitioners proceed to call evidence to impugn the *primâ facie* case of qualification set up on behalf of the Sitting Member."

Mr. *Rodwell* stated that he would now put in the charter of the Royal British Bank, the deed of constitution, the supplemental deed, and would prove that they had both been executed by Mr. Bingham Baring.

Mr. *Pickering* admitted the execution of both deeds.

Mr. *William*

Mr. *William Gatherer*, sworn; Examined by Mr. *Edward James*.

Mr. *W. Gatherer*.

26 June 1857.

161. YOU were Registrar of the transfers of the Royal British Bank?—Yes.

162. You say that the Sitting Member executed the two deeds in evidence, ten shares in one, and ten shares in the other?—Yes.

The *Committee* inquired the date of the deeds.

Mr. *Edward James* replied that the date of the charter was 17th September 1849, the date of the deed of constitution, 2d July 1849, and the date of the supplemental deed, 12th June 1855. He also put in an authorised copy of the memorial of proprietors, which was by the Act provided to be sent in every year, and which was dated 20th June 1856.

Mr. *Pickering* objected to the admission of the document on the ground of invalidity.

163. Mr. *Pickering*.] (To Mr. *Gatherer*.) When did he cease to be a shareholder?—9th August 1856.

164. *Committee*.] Did he transfer his shares?—Yes; to Mr. Marcus.

165. Mr. *Pickering*.] Do you know what the amounts of the shares were?—£.100; 50*l*. paid up.

166. *Committee*.] Were those all the shares Mr. Baring ever held, ten and ten?—Yes.

167. Twenty?—Yes.

[The Witness was directed to withdraw.

Mr. *Charles Argles*, sworn; Examined by Mr. *Edward James*.

Mr. *C. Argles*.

168. ARE you in the office of Messrs. Chilton & Burton?—Yes.

169. Do you produce the original order of the Court of Chancery for winding up the Royal British Bank?—I do.

170. What is the date?—24th September 1856.

171. Do you also produce the appointment of Robert Palmer Harding as official manager?—Yes, the appointment of official manager was on 13th October 1856.

172. *Committee*.] Has Mr. Baring been put on the list of contributories?—Not the first list.

173. Is he in any list?—At the present time we have carried in none but the present members.

174. All those who were members at the time the Bank stopped?—Yes.

175. Mr. *Edward James*.] You propose to take in another list?—Yes.

176. Has any call been made on the contributories you sent in?—Yes; 75*l*. a share.

177. That has been called up?—Yes.

178. Have you any notion what call will be made on the former contributories?—We have made a call of 75*l*. a share, wishing to realise 265,000*l*.; we have received about 10,000*l*.; therefore, a large loss must fall on the former members.

179. If you recovered the whole of this sum, you would not put him on the list at all?—No.

180. Has Mr. Marcus paid?—No, he cannot pay.

181. He is bankrupt, is he not?—No, he is not bankrupt, but he is about to become so; we have issued a balance order against him, but we have recovered nothing, and he has made an affidavit that he cannot pay a shilling.

182. Then you will not obtain a sufficient amount to pay the debts from those who were shareholders at the time the bank stopped?—Yes, that is my belief.

183. Will it be necessary to have recourse to Mr. Baring?—It will, by having a further list of contributories; I consider Mr. Baring a former member.

184. You cannot say what call will be made on the former contributories?—No.

185. You cannot tell what will be realized from the present men until many of them are taken in execution?—Quite so.

186. Till you squeeze a man, you cannot tell what is in him?—No.

187. You are not in a position to speculate at all how much the further list of contributories will be called to pay?—All I can tell is the amount we have got.

Mr. *C. Argles.*

20 June 1857.

Cross-examined by Mr. *Pickering.*

188. How much will the British Bank pay?—We calculate, by means of the present members and the former members, to pay something like 16*s.* or 17*s.* in the pound; certainly not beyond that.

189. How much has been paid already?—Eight shillings and sixpence has been paid, and there is a probability of about another shilling.

190. How much do you imagine will be paid by the existing company and the existing shareholders?—The present list?

191. The present shareholders?—All I can say is, that we have only been able to get 10,000 *l.* out of them up to the present time; we have issued balance orders against them, and can get no more.

192. How many is the number?—Two hundred and eighty members; but a great many dispute their liability; 80 of them. Mr. Marcus disputes his liability, to some extent; he says the shares were transferred to him by Mr. Baring, three weeks before the bank stopped payment, in fraud.

193. You cannot say the present members may not be able to pay the whole?—All I say is, that we have issued writs against them, and have not got the money.

[The Witness was directed to withdraw.

Mr. *Arthur George Lovell*, sworn; Examined by Mr. *Edward James.*

Mr. *A. G. Lovell.*

194. WHAT are you?—Clerk to the Masters of the Court of Common Pleas.

195. Do you produce the books in which the judgments are entered up in the Court of Common Pleas?—I do.

196. Have you there an entry of judgments against the official manager of the British Bank?—Against the Royal British Bank.

197. What is the first?—The first is dated the 3d of November 1856.

198. For how much?—£. 214. 11*s.* 6*d.*

199. What is the name?—At the suit of Morisse.

200. Are there any judgments entered up before the 28th of March, to the amount of 27,000 *l.*?—I cannot answer that question; I can answer that there are certain judgments in that book.

201. *Committee.*] Let me look at one of the entries?—Yes.

The *Witness* explained the entries to the Committee.

Mr. *Edward James* stated that, with the permission of the Committee, he would hand in a copy which had been checked with the book, and which contained them all. In the Common Pleas there were 27,000 *l.*, in the Exchequer there were 21,487 *l.* 19*s.* 11*d.*, and in the Queen's Bench, 5,956 *l.* 4*s.* 3*d.*

Cross-examined by Mr. *Pickering.*

202. Here is one in 1856; was that entered?—Yes.

203. Does this book show whether those judgments have been satisfied or not?—No, it would not.

204. Does it always follow, if the judgment is satisfied, that the satisfaction is entered in the judgment book?—If the satisfaction piece is brought to the office.

205. And this book does not show at all that these judgments were not satisfied?—Yes; so far as this book goes.

Re-examined by Mr. *Edward James.*

206. Is it the practice or not when people satisfy judgments, to enter satisfaction in the book?—Yes; they bring the satisfaction piece.

207. If the satisfaction is entered up, execution can no longer be issued on it?—The judgment is satisfied.

208. And there is no satisfaction on any of those you have spoken of?—No.

209. *Committee.*]

209. *Committee.*] You consider every judgment in force until satisfaction is entered up; you gave all those entered within five years, and on which there is no satisfaction entered?—Yes. Mr. *A. G. Lovell.* 26 June 1857.

210. Mr. *Edward James.*] The execution may at any time issue if there is no satisfaction?—Yes.

[The Witness withdrew.

Mr. *James* stated that he had concluded his case as far as annulling the election was concerned.

[Adjourned till half-past Eleven o'clock To-morrow.

Sabbati, 27° die Junii, 1857.

MEMBERS ALL PRESENT.

HENRY KER SEYMER, Esq., IN THE CHAIR.

At the Sitting of the Committee Mr. *Edward James* handed in the following document, which was ordered to be inserted on the Minutes. 27 June 1857.

LIST of JUDGMENTS against the Official Manager of the Royal British Bank.

PLAINTIFF'S NAME.	DEFENDANT'S NAME.	JUDGMENT SIGNED	DEBT.	COSTS.
			£. s. d.	£. s. d.
Adams, John	R. P. Harding	before 23 March	278 11 –	—
Armitage, George	ditto	ditto	77 1 11	—
Austin, George Jesse	ditto	ditto	135 – –	6 18 –
Basher, Thomas, and another.	ditto	ditto	90 10 7	6 16 8
Barnes, Samuel Emery	ditto	ditto	96 2 5	6 11 6
Brine, Hugh	ditto	ditto	425 8 –	—
Braund, Marwood Kelly	ditto	ditto	226 14 9	5 7 6
Blake, Henry Joseph	ditto	ditto	158 1 6	5 4 –
Bowles, James	ditto	ditto	212 2 –	—
Bunnell, John Hawdon	ditto	ditto	78 15 –	—
Bendy, Richard	ditto	ditto	687 – –	7 8 10
Brown, William	ditto	ditto	109 11 8	7 8 10
Banks, John, and others	ditto	ditto	5,146 8 10	—
Baines, Cooke	ditto	ditto	116 19 7	6 16 5
Cotton, Stapleton	ditto	ditto	677 19 9	—
Crouch, James Washington.	ditto	ditto	106 9 –	—
Conlun, Helen Mary	ditto	ditto	76 18 2	7 8 10
Dodson, Robert	ditto	after 28 March	36 – 7	5 7 4
Dossett, Henry	ditto	before 23 March	297 12 –	—
Dain, George William Cuming.	ditto	ditto	213 3 –	6 13 8
Edwards, Arthur Cuthbertson.	ditto	ditto	163 7 9	—
Edwards, Marian	ditto	ditto	47 16 –	—
Eastman, Hugh Thomas	ditto	ditto	69 12 10	—
Feltham, Joseph	ditto	ditto	317 13 2	5 8 4
Foster, Mark	ditto	after 28 March	756 9 10	—
Fry, John	ditto	before 23 March	75 17 7	5 7 4

27 June 1857.

List of Judgments against the Official Manager of the Royal British Bank—*continued*.

PLAINTIFF'S NAME.	DEFENDANT'S NAME.	JUDGMENT SIGNED	DEBT. £. s. d.	COSTS. £. s. d.
Gregg, William Henry	R. P. Harding	before 23 March	199 17 8	—
Grisold, Thomas	ditto	ditto	85 12 —	—
Gee, Adam	ditto	ditto	37 17 —	—
Green, Thomas, and others	ditto	ditto	233 17 —	—
Homewood, John	ditto	ditto	235 — 4	5 7 4
Hebb, John	ditto	ditto	71 5 1	—
Hall, Thomas	ditto	ditto	454 12 8	6 — —
Harding, Thomas	ditto	ditto	361 1 6	5 14 6
Holdsworth, Henry	ditto	ditto	59 8 6	—
Hastings, Robert Percy	ditto	ditto	375 1 5	—
Jones, John Edward	ditto	ditto	63 14 4	7 8 10
Johnson, George	ditto	ditto	533 17 4	—
Joseph, George	ditto	ditto	130 5 7	—
Jones, Rachel	ditto	ditto	513 3 9	—
Jude, Thomas	ditto	ditto	50 2 6	5 8 6
Lathbury, Charles Crawford.	ditto	after 28 March	144 11 4	—
Lane, David	ditto	before 23 March	57 2 6	—
Lumley, Alfred	ditto	ditto	1,167 1 3	—
Levyson, Eliza	ditto	ditto	129 6 —	—
Love, Henry	ditto	after 28 March	245 7 11	5 3 6
Langham, William	ditto	ditto	487 12 —	—
Lazarus, Maurice	ditto	before 23 March	77 10 8	—
Montague, Robert	ditto	ditto	78 11 5	5 18 1
Moss, Martha	ditto	ditto	79 7 6	—
Montgomery, James	ditto	ditto	102 7 9	5 7 3
Munt, Edsell, and another	ditto	ditto	657 1 6	—
Mousse, Walter	ditto	ditto	214 11 6	—
Manson, William Pitt, and others.	ditto	ditto	35 11 1	—
Maddox, John Mortimer	ditto	ditto	56 1 8	5 17 10
Mosley, John	ditto	ditto	59 12 —	—
Maxwell, John	ditto	ditto	1,993 5 3	6 16 3
Naylor, Edward	ditto	ditto	—	—
Powis, Henry	ditto	ditto	576 1 6	—
Pearson, Stephen, and another.	ditto	ditto	160 12 5	7 13 —
Parsons, Ellen	ditto	ditto	226 10 —	—
Richardson, William	ditto	ditto	—	—
Ritchie, Charles	ditto	ditto	235 16 5	6 16 1
Richardson	ditto	ditto	884 17 6	—
Rogers	ditto	ditto	502 14 —	—
Revell, Thomas	ditto	after 28 March	526 15 6	—
Richardson, Joseph	ditto	before 23 March	117 4 3	6 19 6
Reeves, —— and another	ditto	ditto	83 7 6	—
Smith, David	ditto	ditto	168 6 5	5 10 1
Stearne, Thomas Wallis	ditto	ditto	66 10 7	—
Sneezum, Charles	ditto	ditto	395 14 5	—
Sale, Frederick	ditto	ditto	183 18 2	—
Stanley, Elizabeth	ditto	ditto	356 12 8	—
Shepherd, Mary	ditto	after 28 March	178 19 —	—
Stuley, James	ditto	before 23 March	—	—
Turner, George	ditto	ditto	313 18 3	—
Trendall, Thomas, and another.	ditto	after 28 March	55 7 3	—
Thomson	ditto	before 23 March	148 1 8	—
Tallant, John James	ditto	ditto	42 1 5	5 3 6
Tallant, John James, and another.	ditto	ditto	93 14 11	5 3 6
Thomas, John	ditto	ditto	83 — —	—
Wyness, Maria	ditto	ditto	173 12 2	—
Wighton, Charles	ditto	ditto	56 15 8	—
Wood, James Henry	ditto	ditto	171 12 6	—
		£.		
Anstee, Edward	R. P. Harding	before 28 March	391 7 1	6 7 8
Adams, William Henry	ditto	ditto	721 14 4	—
Bull, Thomas Kirwin	ditto	after 28 March	119 4 —	—
Brice, Charles William	ditto	before 28 March	71 6 10	5 15 10
Butterworth, Henry	ditto	ditto	45 12 —	5 15 10

27 June 1857.

List of Judgments against the Official Manager of the Royal British Bank—*continued.*

PLAINTIFF'S NAME.	DEFENDANT'S NAME.	JUDGMENT SIGNED	DEBT.			COSTS.		
			£.	s.	d.	£.	s.	d.
Birch, Thomas	R. P. Harding	before 28 March	167	4	5	6	1	—
Bainbridge, William	ditto	ditto	53	—	9		—	
Broughton, George	ditto	ditto	43	13	2		—	
Cubley, John	ditto	after 28 March	115	15	6		—	
Cutts, John, the younger	ditto	before 28 March	97	9	6	7	9	2
Charnock, William W.	ditto	ditto	34	2	8	3	8	—
Chapman, William Alexander.	ditto	ditto	57	9	3		—	
Curlairs, Henry Charles	ditto	ditto	77	15	—		—	
Cohen, Henry Lewis	ditto	ditto	59	9	5		—	
Chapman, John	ditto	ditto	23	17	8		—	
Clay, John, and others	ditto	ditto	159	16	8		—	
Cleeve, Abraham	ditto	ditto	115	18	4		—	
Daniell, William Charles	ditto	ditto	161	7	—		—	
Dove, William Warren, and others.	ditto	ditto	197	5	10	5	15	10
Drayton, Thomas	ditto	ditto	51	13	1		—	
Dreyer, August	ditto	ditto	57	11	8	5	15	10
Dawkins, Daniel	ditto	ditto	183	9	6		—	
Ellison, William	ditto	ditto	65	10	—		—	
Edridge, William	ditto	ditto	50	—	—	6	17	2
Greatorex, Thomas	ditto	ditto	42	14	9		—	
Gaball, Henry	ditto	ditto	27	18	4	5	7	6
Harris, John	ditto	ditto	4,866	4	7	6	—	6
Hibbard, Charles	ditto	ditto	205	7	5	6	16	2
Horsey, Henry	ditto	ditto	86	2	—		—	
Hughes, John George	ditto	ditto	99	19	1		—	
Harker, Benjamin Willis	ditto	ditto	87	4	10		—	
Hyman, Hyman	ditto	ditto	167	17	2	5	10	10
Hawke, John	ditto	ditto	57	16	1		—	
Hare, Andrew	ditto	ditto	200	—	—		—	
Hollingshead, John, and another.	ditto	after 28 March	421	8	7	6	17	6
Jacobs, Isaac	ditto	before 28 March	139	8	8	5	12	4
Jones, Benjamin	ditto	ditto	402	19	4		—	
Kealy, Michael	ditto	ditto	37	16	—		—	
Kealy, Thomas	ditto	ditto	22	4	6		—	
Keevil, Edward	ditto	ditto	600	—	—		—	
Kimmis, George Frederick.	ditto	ditto	179	10	9		—	
Lee, John Swanwick	ditto	ditto	310	7	4	5	14	10
Lonsdale, William	ditto	ditto	218	12	9		—	
Living, John Henry	ditto	ditto	51	—	7	5	10	10
Littlejohn, Richard	ditto	ditto	763	11	4	5	6	4
Murdock, James	ditto	ditto	22	11	6	5	10	2
Morgan, Edward	ditto	ditto	158	13	—		—	
Marshall. Elizabeth Maria	ditto	ditto	36	19	4		—	
Montague, Frederick	ditto	ditto		—			—	
M'Arthur, Angus	ditto	ditto	429	13	2	5	10	10
Mackenzie, Maria, widow	ditto	ditto	68	9	10		—	
Nicholl, Jno. James	ditto	before 25 March	330	18	7		—	
Nelson	ditto	ditto	65	9	6		—	
Peter, John	ditto	ditto	274	—	—		—	
Parry, Thomas Spurke and another.	ditto	after 28 March	584	19	7	6	15	2
Penny, Frederick Augustus	ditto	before 25 March	582	18	7		—	
Price, Robert	ditto	ditto	120	6	2		—	
Preston, Jabez	ditto	ditto	278	10	10	5	11	10
Robinson, Thomas	ditto	ditto	600	—	—	5	7	4
Reeve, Elizabeth	ditto	ditto	73	7	5		—	
Reynolds, Thomas A. F.	ditto	after 28 March	118	10	9		—	
Ralph, Frederick William	ditto	ditto	108	5	10		—	
Ratcliffe, William	ditto	before 25 March	200	—	—		—	
Robey, Sarah, and another	ditto	ditto	735	5	7		—	
Stocks, Thomas	ditto	ditto	21	8	10		—	
Soley, Geo. Toovey	ditto	ditto	78	—	—		—	
Solomon, Judah	ditto	ditto	157	1	7	5	10	10
Spryng, Alfred	ditto	ditto	120	12	1		—	
Sprague, William	ditto	ditto	572	6	—	5	17	2
Sutton, Edwin	ditto	after 28 March	52	7	7	5	7	10
Tompsett, James Cripps	ditto	before 25 March	60	10	—		—	
Turner, William	ditto	ditto	53	18	—		—	
Tomkins, Mark John	ditto	after 28 March	789	1	4	5	16	10

(*continued*)

27 June 1857.

List of Judgments against the Official Manager of the Royal British Bank—*continued*.

PLAINTIFF'S NAME.	DEFENDANT'S NAME.	JUDGMENT SIGNED	DEBT. £. s. d.	COSTS. £. s. d.
Thane, John Dancer	R. P. Harding	before 25 March	58 11 7	—
Upton, John	ditto	ditto	1,213 12 2	—
Vesper, William	ditto	ditto	219 6 6	6 13 6
Walker, Edward	ditto	after 28 March	26 8 1	6 – 10
Wyllie, Anne	ditto	before 25 March	53 16 6	—
Wilding, W. F. and another.	ditto	ditto	52 7 2	—
White, Henry	ditto	ditto	317 10 4	—
Wild, Alfred, and another	ditto	ditto	296 15 11	5 13 10
Wheaton, Charles	ditto	before 28 March	63 3 6	6 9 6
Wildsmith, Matthew	ditto	ditto	38 – 5	5 7 4
Wilks, Joseph Sherlock	ditto	after 28 March	256 3 2	—
Wilcher, Lewis	ditto	before 28 March	108 2 7	6 12 10
Walker, Edward	ditto	after 28 March	30 – –	6 – 10
		£.		
Benson, George	R. P. Harding	before 28 March	775 18 10	6 15 –
Bayfield, Alfred Dobson	ditto	ditto	286 4 10	5 9 –
Blanchard, Mark Henry	ditto	ditto	79 7 2	5 12 –
Bell, Thomas Vernon	ditto	ditto	300 – –	5 8 6
Boulter, John	ditto	ditto	432 – 9	—
Chubb, Thos. Jas. Edward	ditto	after 28 March	46 19 9	5 12 –
Chubb, Chs. F. and others	ditto	before 28 March	184 2 9	—
Drew, John Matthews	ditto	ditto	97 5 6	—
Engert, Adam Cyrus	ditto	ditto	493 9 5	8 – –
Edwards, Evan	ditto	ditto	37 13 1	6 12 –
Grant, Richard John R.	ditto	after 28 March	22 15 6	6 8 –
Griffith, Richard	ditto	before 28 March	32 2 8	7 17 –
Gillard, John	ditto	after 28 March	79 17 9	—
Hughes, Edward	ditto	before 28 March	30 13 7	6 15 –
Henderson, Alexander	ditto	ditto	300 – –	6 13 –
Longman, Wm. Churchill	ditto	ditto	249 1 6	5 9 –
Macpherson, David	ditto	ditto	303 4 5	5 14 2
Nicholl, Robert	ditto	ditto	52 – –	—
Patrick, James	ditto	ditto	342 7 5	5 9 –
Sayers, Charles	ditto	ditto	50 – –	5 12 –
Smith, Charles Fenwick	ditto	ditto	1,000 – –	6 15 –
Slack, Henry James	ditto	ditto	500 – –	9 3 –
		£.		

Mr. *Edward James* stated that the document he had handed in proved that in the Common Pleas there were judgments registered between November 1856 and the 28th of March to the amount of 27,000*l*.

Mr. *Pickering* then proceeded with his argument in support of the qualification of the Sitting Member.

Mr. *Edward James* replied.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MARLBOROUGH BOROUG
ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1857.)

Ordered, by The House of Commons, *to be Printed,*
25 *August* 1857.

311—Sess. 2.

Under 3 o

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MAYO COUNTY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1857.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1857.

Martis, 23° *die Junii*, 1857.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Mayo:

Sir John Hanmer, Bart.	Christopher Puller, Esq.
Colonel North (Oxfordshire).	George Tomline, Esq.

Chairman, WILLIAM SCHOLEFIELD, ESQ.

Mercurii, 24° *die Junii*, 1857.

Ordered, "THAT the Petition and Lists relative to the said Election be referred to the Committee."

Ordered, "THAT the Committee do meet To-morrow, in one of the committee-rooms of the House, at Twelve o'clock."

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PROCEEDINGS OF THE COMMITTEE.

Jovis, 25° die Junii, 1857.

NAMES of the Members called over; all present.

Room cleared.

The Committee deliberated, and agreed to the following preliminary Resolutions:—

1. "That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. "That if costs be demanded by either party, under the 11 and 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. "That the Committee expect that with respect to cases of bribery, which it is intended to bring home to the Sitting Member, or his Agents, the Counsel for the Petitioner will now state the names of the electors bribed, and those of the persons who actually gave the bribes.

4. "The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. "That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. "The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

7. "That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the Agents, whose names shall be handed in, without the special leave of the Committee.

8. "That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

9. "That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

10. "That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

11. "That with respect to objected votes, the Committee expect Counsel to exhaust one class of objections before proceeding to another."

Parties called in and informed of the above Resolutions.

The Petition of *George Gore Ouseley Higgins*, a candidate at the last election, complaining of an undue election and return for the County of Mayo, was read.

Counsel for the Petitioner, Mr. *O'Malley*, Q.C., Mr. *Edwin James*, Q.C., and Mr. *W. P. Hale*.

Agents, Messrs. *Holmes, Anton*, and *Turnbull*, Mr. *R. C. MacNevin*, and Mr. *John Griffin*.

Counsel for the Sitting Member, *George Henry Moore*, Mr. *Montague Smith*, Q. C., Mr. *J. B. Karslake*, and Mr. *Buchanan*.

Agent, Mr. *Theodore Martin*.

Mr. *Edwin James* opened a case of riot, intimidation, undue influence, treating, and want of qualification of Mr. *Moore*.

The short-hand writer was sworn by the Chairman.

James Richard Naylor, sworn; examined by Mr. *Hale*. Produced writ and return relative to the last election.

John O'Connell, sworn; examined by Mr. *Hale*. Put in nine poll-books relative to the last election. Cross-examined by Mr. *Smith*.

David Ruttledge, sworn; examined by Mr. *James*.

On the following question being put to the witness, "To the best of your understanding, what did you hear him say in Irish? Just explain it in English,"

Mr. *Smith* objected, on the ground that the witness ought to state the words in Irish, and an interpreter afterwards to interpret them.

Mr. *James* was heard in answer to the objection.

Mr. *Smith* was heard in reply.

Room cleared. Committee deliberated.

Resolved, "That the witness may give his interpretation of the words, it being, according to his statement, the only way in which he can give his evidence on this point."

Parties called in and informed of the above resolution.

David Ruttledge further examined by Mr. *James*; cross-examined by Mr. *Smith*; re-examined by Mr. *James*.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 26° *die Junii*, 1857.

Names called over; Members all present.

A second short-hand writer was sworn by the Chairman.

Richard Prendergast, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

Joseph Bourke, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan* re-examined by Mr. *O'Malley*.

James French, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Karslake*; re-examined by Mr. *Hale*.

William O'Connor, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Karslake*.

George Kelly, sworn; examined by *O'Malley*; cross-examined by Mr. *Karslake*.

William Joseph Burke, sworn; examined by Mr. *James*.

[The Committee adjourned till To-morrow, at Eleven o'clock.

Sabbati, 27° *die Junii*, 1857.

Names called over; Members all present.

William Joseph Burke, further examined by Mr. *E. James*; cross-examined by Mr. *M. Smith*; re-examined by Mr. *O'Malley*.

John Hearne, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Karslake*; re-examined by Mr. *O'Malley*.

John Griffin, sworn; examined by Mr. *O'Malley*.

On the question, "Had you any conversation with him about his vote," being put to witness, Mr. *Karslake* objected that the question was an improper one, on the ground that Mr. O'Malley was endeavouring to prove by hearsay evidence what he ought to prove by the evidence of the voter himself.

Mr. *O'Malley* was heard in answer to the objection.

Mr. *Karslake* was heard in reply.

Room cleared. Committee deliberated.

The

The Committee resolved to hear the statement of the witness as to what passed between himself and the voter (Feargus), subject to any restrictions which the Committee might think fit to impose,

Parties called in and informed of the above decision.

[Adjourned till Monday, at Eleven.

Lunæ, 29° die Junii, 1857.

NAMES called over; Members all present.

John Griffin further examined by Mr. *O'Malley*; cross-examined by Mr. *Karslake*; re-examined by Mr. *O'Malley*.

James Moran, sworn; examined by Mr. *E. James*; cross-examined by Mr. *Smith*; re-examined by Mr. *E. James*.

Michael Langan, sworn; examined by Mr. *E. James*; cross-examined by Mr. *Karslake*.

Mark M'Tighe, sworn; examined by Mr. *E. James*; cross-examined by Mr. *Karslake*; re-examined by Mr. *E. James*.

Timothy Scahill, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Karslake*; re-examined by Mr. *Hale*.

Thomas Killalea, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

Francis Sullivan, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

[Adjourned till To-morrow, at Eleven.

Martis 30° die Junii, 1857.

NAMES called over; Members all present.

William Bellchambers, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Karslake*; re-examined by Mr. *Hale*.

Bernard MacManus, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Karslake*; re-examined by Mr. *Hale*.

Ambrose Labin, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

Phelin Brennan, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *E. James*.

Henry Grattan Curran, sworn; examined by Mr. *E. James*; cross-examined by Mr. *H. Smith*; re-examined by Mr. *E. James*.

John Maclaughlin, sworn; examined by Mr. *E. James*.

[Adjourned till To-morrow, at Eleven.

Mercurii, 1° die Julii, 1857.

NAMES called over; Members all present.

The Committee resolved, "That the Minutes of Evidence be printed day by day for the use of the Committee."

John MacLaughlin, further examined by Mr. *Hale*; cross-examined by Mr. *Karslake*; re-examined by Mr. *O'Malley*.

Andrew Castle Montgomery, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Karslake*; re-examined by Mr. *Hale*.

John Gannon, sworn; examined by Mr. *Hale*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

Peter Burroughs Sharkey, sworn; examined by Mr. *O'Malley*; cross-examined by Mr. *Buchanan*; re-examined by Mr. *O'Malley*.

[Adjourned till To-morrow, at Eleven.

Jovis, 2° die Julii, 1857.

NAMES called over; Members all present.

Sir *Richard O'Donnell*, sworn; examined by Mr. *James*.

John Griffin, re-called and examined by Mr. *E. James*; further cross-examined by Mr. *Karslake*.

Sir *Richard O'Donnell*, further examined by Mr. *E. James*; cross-examined by Mr. *Karslake*; re-examined by Mr. *James*.

Archbishop *M'Hale*, sworn; examined by Mr. *E. James*; cross-examined by Mr. *M. Smith*.

[Adjourned till To-morrow, at Eleven.

Veneris, 3° die Julii, 1857.

NAMES called over; Members all present.

Archbishop *M'Hale*, further cross-examined by Mr. *M. Smith*; re-examined by Mr. *O'Malley*.

Mr. *O'Malley* stated that he abandoned the other allegations in the Petition, and that he had concluded his evidence.

[Adjourned till To-morrow, at Eleven.

Sabbati, 4° die Julii, 1857.

NAMES called over; Members all present.

Mr. *Montague Smith* was heard to open the case of Mr. *Moore*, in opposition to the Petition.

[Adjourned till Monday, at Eleven.

Lunæ, 6° die Julii, 1857.

NAMES called over; Members all present.

Colonel *Charles Knox*, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake*.

Sir *Robert Bloss*, sworn; examined by Mr *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake*.

Hon. *Jeffrey Browne*, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake*.

James Jordan, sworn; examined by *Buchanan*.

[Adjourned till To-morrow, at Eleven.

Martis, 7° die Julii, 1857.

Names called over; Members all present.

James Jordan, cross-examined by Mr. *James*; re-examined by Mr. *Buchanan.*

Edmond Henry Jordan, sworn; examined by Mr. *Buchanan*; cross-examined by Mr. *Malley*; re-examined by Mr. *Buchanan.*

Colonel *Craegh,* sworn; examined by Mr. *Karslake.*

William Mulligan, sworn; examined by Mr. *Smith.*

Lord *John Browne,* sworn; examined by Mr. *Smith*; cross-examined by Mr. *E. James*; re-examined by Mr. *Smith.*

[Adjourned till To-morrow, at Eleven.

Mercurii, 8° *die Julii,* 1857.

Names called over; Members all present.

Hugh Wilbraham, sworn; examined by Mr. *Buchanan*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake.*

Geoffrey Martin, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *E. James*; re-examined by Mr. *Karslake.*

Colonel *Wardlaw,* sworn; examined by Mr. *Karslake*; cross-examined by Mr. *E. James*; re-examined by Mr. *Karslake.*

Lieut. *John Greyburn,* sworn; examined by Mr. *Karslake*; cross-examined by Mr. *E. James*; re-examined by Mr. *Karslake.*

Nicolas Welsh, sworn; examined by Mr. *Buchanan*; cross-examined by Mr. *James*; re-examined by Mr. *Buchanan.*

James Fleming, sworn; examined by Mr. *Buchanan*; cross-examined by Mr. *James*; re-examined by Mr. *Buchanan.*

Patrick Fergus, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *James*; re-examined by Mr. *Karslake.*

[Adjourned till To-morrow, at Eleven.

Jovis, 9° *die Julii,* 1857.

Names called over; Members all present.

Thomas M'Greal, M.D., sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake.*

Patrick Hanley, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake.*

James Armstrong, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake.*

Francis O'Donnell, sworn; examined by Mr. *Buchanan*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Buchanan.*

Patrick O'Dowd, sworn; examined by Mr. *Buchanan.*

Patrick Stanton, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *O'Malley*; re-examined by Mr. *Karslake.*

Francis Sweeney, sworn; examined by Mr. *Karslake*; cross-examined by Mr. *James*; re-examined by Mr. *Karslake.*

Mr. *Edwin James* stated that information contained in two letters had been received from Castlebar, to the effect that two men, John M'Laughlin and John Gannon, had been assaulted and maltreated in consequence of the evidence they had given before the Committee, and applied for a summons to the above-mentioned parties; and also to one John Sheridan, who was alleged to have led the mob in the attack on John Gannon, in order that the Committee might deal with them as the case required.

Room cleared. Committee deliberated, and determined to receive evidence as to the authenticity of the letters.

Parties called in and informed thereof.

Colonel *Higgins*, sworn; examined by the Committee. Proved the handwriting of the two letters addressed to him.

Room cleared. Committee deliberated, and agreed to the following special report to The House:—

"That two letters, addressed to Colonel Higgins, and duly verified, had been produced before the Committee, alleging that one of the witnesses, John M'Laughlin, examined before the said Committee, had been maltreated; and another witness, John Gannon, had been so seriously injured by a mob, led on by one John Sheridan, that his life is in danger, such mal-treatment and injury having been inflicted upon them in consequence of evidence given before the said Committee. The Committee have therefore instructed him to report the circumstances to The House, in order that The House may take such steps as may seem to The House to be proper and necessary."

[Adjourned till To-morrow, at Eleven.

Veneris, 10° *die Julii*, 1857.

NAMES called over; Members all present.

Alexander Reid Campbell, sworn; examined by Mr. *Smith;* cross-examined by Mr. *O'Malley*.

John Griffin, sworn; examined by Mr. *O'Malley*.

George Henry Moore, a Member of the House, sworn; examined by Mr. *Montague Smith*.

Mr. *Montague Smith* stated that it was not his intention to produce any further evidence in support of the case of the Sitting Member.

Mr. *Karslake* was heard to sum up the evidence on behalf of the Sitting Member, but had not concluded his arguments, when the Committee adjourned till To-morrow, at Eleven.

Sabbati, 11° *die Julii*, 1857.

NAMES called over; Members all present.

Mr. *Karslake* concluded his arguments in summing up the case of the Sitting Member.

[Adjourned till Monday next, at Eleven o'clock.

Lunæ, 13° *die Julii*, 1857.

NAMES called over; Members all present.

Mr. *O'Malley* was heard in reply upon the whole case.

[Adjourned till To-morrow, at One.

Martis, 14° *die Julii*, 1857.

NAMES called over; Members all present.

Room cleared. Committee deliberated, and agreed to the following Resolutions:—

1. "That *George Henry Moore*, esq. was, by his agents, guilty of undue influence at the last election for the County of Mayo.

2. "That *George Henry Moore*, esq. is not duly elected a knight of the shire to serve in this present Parliament for the County of Mayo.

Parties called in, and informed of the above Resolutions.

In answer to the Committee, Mr. *James* stated that he withdrew from the case.

Room cleared. The Committee came to the following further Resolutions:—

3. "That the last election for the said county, so far as regards the return of the said *George Henry Moore*, esq. is a void election.

4. "That undue influence and spiritual intimidation prevailed to a considerable extent at the last election for the County of Mayo.

5. "That in the exercise of such undue influence and spiritual intimidation the Rev. *Peter Conway* and the Rev. *Luke Ryan* were so prominently active, that the Committee deem it their duty specially to report their conduct to The House, in order that such steps may be taken as may seem to The House to be proper and necessary.

6. "That it does not appear to the Committee that the said *George Henry Moore*, esq. personally sanctioned, or was cognisant of, the said undue influence and spiritual intimidation."

Parties called in and informed of the above Resolutions.

Ordered, To report the above Resolutions to The House.

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MINUTES OF EVIDENCE.

Jovis, 25° die Junii, 1857.

MEMBERS PRESENT.

George Tomline, Esq.	Colonel North.
Sir John Hanmer, Bart.	Christopher Puller, Esq.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

The Petition of Lieutenant-colonel George Gore Ouseley Higgins, complaining of the return of Henry George Moore, Esq. at the last election for the county of Mayo, was read:

Mr. *Edwin James*, Mr. *O'Malley*, and Mr. *W. P. Hale*, appeared as Counsel.

Messrs. *Holmes*, *Anton*, and *Turnbull*, appeared as Agents.

Mr. *Montague Smith*, Mr. *J. B. Karslake*, and Mr. *Buchanan*, appeared as Counsel for the Sitting Member.

Mr. *Theodore Martin* appeared as Agent.

The committee-room was cleared.

After some time, the Counsel and Parties were again called in.

The *Chairman* stated that the Committee had come to certain preliminary Resolutions.

Mr. *Edwin James* was heard to open the case on behalf of the Petitioners.

James Richard Naylor, Esq., was called in; and, having been sworn, was Examined by Mr. *Hale*, as follows:

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1. DO you attend from the Crown office?—I do.
2. Do you produce the writ and return for the last election for the county of Mayo?—I do.
3. What is the date of the teste of the writ?—The 23d of March, in the 20th year of the reign.
4. Who is named in the return?—Roger William Henry Palmer, Esq., and George Henry Moore, Esq.
5. By whom is it signed?—It is signed by Fitzgerald Higgins, the returning officer, the high sheriff of the county of Mayo.
6. Will you read it?—"Mayo Election. I certify that the following are the names of the candidates at this election, and that the numbers who voted for each candidate, as it appeared at the final close of the poll, are set opposite to their respective names, viz. Roger William Henry Palmer, 1,225; George Henry Moore, 1,150; Lieutenant-colonel Ouseley Higgins, 1,037. Dated this 10th day of

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of April 1857. Fitzgerald Higgins, high sheriff and returning officer of the county of Mayo. Received return, 11th April 1857, M. O. B."

7. *Committee.*] What is the date of the return?—The 10th of April 1857.

[The Witness withdrew.

John O'Connell, Esq., was called in; and, having been sworn, was Examined by Mr. *Hale*, as follows:

J. O'Connell, Esq.

8. I BELIEVE you are the Clerk of the Crown and Hanaper in Ireland?—Yes.

9. Do you produce the poll-books for the last election for the county of Mayo?—Yes; they are here (*producing the same*).

10. When you received them did you make an endorsement upon the back of them?—The endorsement was made by my chief clerk, according to the practice of the office.

11. Will you read it?—"Received at 3, Lower Mount-street, by post, at or near the hour of nine o'clock in the forenoon, nine poll-books used at said election."

12. They have been in your custody, or in that of your chief clerk, ever since?—They have.

Cross-examined by Mr. *Montague Smith.*

13. Were the books delivered sealed up to you?—They were delivered in the state in which you see them.

14. You have not examined them at all?—No; we had nothing further to do but just to count the poll-books to see the number there were.

15. The number of what?—The poll-books simply.

16. Then you cannot tell me whether the numbers here, upon this return, agree with the poll-books?—I cannot tell you; it is not my duty.

[The Witness withdrew.

David Ruttledge, Esq., was called in; and, having been sworn, was Examined by Mr. *Edwin James*, as follows:

D. Ruttledge, Esq.

17. I BELIEVE you are a Magistrate of the county of Mayo?—I am.

18. What part of the county do you reside in?—My residence is not in the county; I reside in the next county, Galway.

19. Are you a magistrate for that county?—For both counties.

20. Were you, in 1852, high sheriff of the county of Mayo?—I was.

21. Are you an elector of the county of Mayo?—Yes.

22. In what right; as a freeholder?—Yes, as a 50 *l.* freeholder.

23. You vote in respect of the baronies of Clanmore and Kilmaine?—Yes.

24. Are you acquainted with Colonel Higgins?—Yes.

25. And also with Mr. Moore?—And also with Mr. Moore.

26. I believe you were a supporter of Colonel Higgins, and voted for him?—At the last election I did.

27. The nomination we know was on Friday, the 3d of April?—Yes.

28. At what time did the nomination take place?—About half-past 10 or 11 o'clock.

29. Were you at the nomination?—I was.

30. Did you see Mr. Moore there?—I saw Mr. Moore arrive a little before the court-house opened.

31. The nomination takes place in Castlebar?—Yes, in Castlebar.

32. Do you know the Rev. Peter Conway, who is the parish priest?—I know him; he is the curate.

33. Did you see him come with Mr. Moore to the nomination?—Yes; they were in a phaeton together, the two of them.

34. Do you know the Archbishop?—Yes.

35. Or rather, I will not say the Archbishop, but do you know Dr. M'Hale?—I do.

36. Did you see him at the nomination?—I did; I saw him outside the gate of the court-house, just before the gate of the court-house, where the hustings were.

37. Did

37. Did you observe whether there was a large number of priests with him?—Yes, a great many.

38. Were they so many as to attract your attention?—Yes.

39. How many priests should you say were at the nomination, in company with Dr. M'Hale?—I did not count them; there were at least 10.

40. What was Dr. M'Hale doing?—They were in very serious conversation.

41. In a cluster together, outside the gate of the court-house?—Yes.

42. Did you observe where Mr. Conway went with Mr. Moore when they alighted from the carriage?—They joined that party.

43. They joined Dr. M'Hale and the cluster of priests?—Yes; and when the gates were opened they all went in to that portion of the hustings that was set apart for their side.

44. Do you remember early in the election, at this time, the nomination, and early in the election, seeing this placard extensively circulated (*handing the same to the Witness*)?—I saw a placard, signed by the four bishops.

45. Just look at that?—Yes, I saw that.

The *Chairman* inquired whether it was deemed necessary that the Sitting Member and the Petitioner should be absent during the examination of the witnesses.

Mr. *Edwin James* stated that he had no objection to their presence; that it was usual to make an exception in favour of the parties immediately concerned.

46. Mr. *Edwin James* (to the *Witness*).] Just open that placard, take it in your hand. Did you see a placard, of which that is a copy, extensively circulated in the district upon the nomination day?—I did.

47. Did you know Mr. Moore's and Mr. Palmer's committee-rooms?—I did.

48. Did you see that placard, signed "John, Archbishop of Tuam," placarded upon Mr. Moore's and Mr. Palmer's committee-rooms?—Upon the wall outside.

49. Was that extensively placarded?—It was.

[*The same was delivered in, and is as follows:*]

"People of Mayo!—The voice of the Church now calls upon you to do your duty! Tipperary has already spoken. All Ireland now expects your decision. With one combined effort elect your chosen candidates, G. H. Moore, Esq. and Captain R. W. Palmer, or by your apathy permit Mr. Ouseley Higgins to sneak in, and be for ever disgraced!! Hear the voice of your venerated bishops, ever your guide in the day of trial:—Resolved, at a meeting of the bishops and several of the clergy connected with Mayo, held in Tuam, That all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament.

(signed) John, Archbishop of Tuam.
+ Thomas Feeny.
+ T. Durcan.
+ John M'Evily."

50. Are you a Roman-catholic?—I am not.

51. Do you know from living in the county that Dr. M'Hale has very considerable influence in that county?—Very great indeed.

52. Did it strike your attention very much, seeing that placard, signed "John, Archbishop of Tuam"?—It did; and by three other bishops.

53. You saw Dr. M'Hale with the cluster of priests; did you see those other three bishops who signed that placard with him?—Well, I saw one; I did not know the other two.

54. You will only identify the one you saw with him?—No, I think there was only one.

55. Which was it you saw?—Dr. Durcan.

56. You saw Dr. Durcan at the nomination?—Yes.

57. You are a magistrate of the county; after the nomination on the Friday, where were you upon the Saturday chiefly; where were you residing or stopping?—On the Saturday I started for Claremorris, about 16 miles away.

58. Did you observe after those placards, signed "John, Archbishop of Tuam," had been circulated, that a considerable excitement and agitation was got up in the district?—

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Mr. *Montague Smith* objected to the question.

59. Mr. *Edwin James.*] After you saw that placard, did you observe excitement in the neighbourhood?—I did.

60. Where chiefly did it begin, as far as you observed?—There was a considerable excitement in the town of Castlebar the day of the nomination, but of course with the large number of troops there they were not able to do much.

61. On that Saturday were a very large quantity of military brought into the town?—On the Friday, on the polling day, there were plenty.

62. By the *Committee.*] What town are you speaking of?—Castlebar.

63. Mr. *Edwin James.*] On the Friday had arrangements been made for the introduction of a large military power into the town of Castlebar?—Yes, and previous to that too.

64. Had you taken, as a magistrate, any part in those arrangements or not?—No; that was left to the officials of that district.

65. Can you tell the Committee about the quantity of military that were brought into Castlebar?—No, I cannot tell exactly; there were a great many.

66. Do you remember leaving Castlebar upon Satuday, the 4th, to go to Claremorris, to accompany a body of voters to Ballinrobe?—On the Saturday I went from the town of Castlebar to Claremorris by deputation from the high sheriff to accompany the voters in on the next day, on the Sunday, with a military force.

67. What part did you go to; you went to Claremorris?—Yes.

68. Where were the voters to be collected?—The voters from that district were rather numerous; they were all to meet in Claremorris the next morning.

69. By the *Committee.*] Where is Claremorris?—About 16 miles east of Castlebar. It is called Clare there on the map; we call it Claremorris.

70. Mr. *Edwin James.*] Claremorris was to be made the focus for the collection of some voters?—Yes.

71. In Colonel Higgins's favour?—Yes.

72. Voters who were coming to Ballinrobe to support Colonel Higgins?—Yes.

73. What time did you get to Claremorris on the Sunday?—I got to Claremorris with the dragoons on the Saturday; I slept there, so as to be fresh for the next day. On the Sunday morning, about 10 o'clock, the gentry around who had voters there, sent in to know if I had arrived with the troops to protect their voters.

74. You went with a troop of dragoons on the Saturday night to Claremorris?—Yes.

75. And on the Sunday the gentry came in to ascertain whether you had arrived with the soldiers to protect their tenants?—Yes; otherwise they would not go in at all.

76. Whom did you see. Having arrived at Claremorris on the Saturday night with the dragoons, who did you first see on the Sunday morning with reference to bringing voters to Ballinrobe?—I had notes from two or three of the gentry around, and when they found I was there, they made an appointment that they would be in the town of Claremorris at 10 o'clock with their different voters; they were to collect them, and I sent out a man to see if they were coming in, so as to have the military immediately ready to start as soon as they came into the town. Mr. Isidore Bourke, who had a great many voters, came in, and they were mostly riding on horseback; then there were a good many voters collected in the town who were to be brought on in cars, and also a van that was there.

77. You were making arrangements for the voters to collect so as to escort them safely with your dragoons?—Yes.

78. At what spot were you collecting the voters?—Very near the hotel.

79. You were making arrangements to get off?—Yes; the voters who were on horseback were uneasy; they were afraid, and they said they would go on whilst the people were at mass; that they would go on before they came out.

80. I suppose while the people were at mass the town was comparatively tranquil?—Yes.

81. What time was that when the town was comparatively tranquil?—About half-past 10.

82. Then the voters who had come in on horseback were anxious to leave the town and get on while the town was quiet?—They said they would go on and wait outside the town.

83. Did

83. Did you find a difficulty in keeping the men there?—I did. They would not stop. About 40 or 50 of them went on, and then I got the cars out and the van out as quick as possible, for the remaining men I had to take with me.

84. Where were the cavalry at that time?—They were behind waiting for orders to escort.

85. How many voters did you collect there for Mr. Higgins?—Altogether there were upwards of 100.

86. About what time on the Sunday morning had you got that 100 together?—About 11 o'clock.

87. Did you start with that 100 voters?—I started with the few that I had to collect, that were not prepared to start with the others. The others went on to wait outside the town for me. I started with those few, about 40, that I had on jaunting cars and in this van. We proceeded to go out of the town, and we were going down the street, when all on a sudden the people came out from mass.

88. You started with your voters and your escort; how many voters had you under your care?—I had about 40 at that time.

89. Some on cars?—Some on jaunting cars, and some in the van.

90. Do you know the chapel there?—Yes.

91. Is there more than one chapel?—No.

92. Do you know the parish priest there of the name of Reynolds?—I do.

93. You say there is only one chapel there?—Only one.

94. As you passed that chapel with the dragoons and your escort, what occurred?—It was not near the passage to the chapel, that was a little behind us; we did not pass the chapel, the chapel is behind where we started from; then we proceeded down the town with those voters that we got ready, and we had not gone more than 30 yards when the people came rushing in a body, in hundreds, out of the chapel from behind us.

95. You had passed that?—Yes.

96. You had started at that time to get as quietly through the town as you could?—Yes.

97. When those people rushed out, did you see Mr. Reynolds, the parish priest?—No, I did not see him, because we had started away from the chapel.

98. What was done?—Those people commenced throwing a volley of stones at us. They were falling on us as thick as ever hailstones fell, almost on the cars and on the van, and on myself. We got a tremendous pelting with stones. I never saw anything like it in my life. One man that was in the van, the large van, got a blow on the head, and the blood gushed out and he fell down into the body of the van, and we thought he was killed.

99. Was that Peter Cummins?—Yes.

100. Where was he struck?—On the temple.

101. Was he a man who was going to vote for Colonel Higgins?—He was. Then the rest of the men in the van were going to jump out and go away; they would not stay.

102. Did that alarm the other men?—It frightened them beyond anything. I advised them to stoop down in the van, and they did so, and thereby were saved, otherwise they would have been cut.

103. Did you observe that this conduct spread alarm among the other men?—Immediately.

104. What did your escort do; could they prevent it?—The escort remained a little behind us so as to prevent the entire mob getting at us; but some of the men got before them; they could not prevent them. It was a very wide street, but the escort prevented a great many coming on us.

105. Of how many did that mob consist, as far as you can form a judgment?—It was Sunday morning, and they came after us from the chapel; I should say 300 or 400.

106. You say this intimidated the other voters?—Oh yes, and in all the district round. I know that, because I have property all round there.

107. Did you find difficulty in keeping the voters together?—I did, the greatest difficulty; they wanted to leave me and go off.

108. Did you get on with your men?—We got them outside the town, and I left the police force upon the bridge outside the town where the people could not pass. There was water on each side of it, and then I overtook the horsemen that had gone on, and then we arranged ourselves for the journey; but before doing

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so many of the people said that this man that was struck was dying, so I got up in the van and looked at him, and he was very ill. He was lying in a pool of blood, and I said I thought he was in a state that he could not go on, and I took him out and gave him over to two policemen to take to the doctor.

109. Were you alarmed at that time at the state of the man?—Very much. I thought he would have died.

110. By the *Committee.*] How far is it from Claremorris to Ballinrobe, your ultimate destination?—Fifteen Irish miles.

111. Was the polling the next day?—On Monday.

112. Mr. *Edwin James.*] You were taking them down on the Sunday to poll on the Monday?—Taking them to poll there on the Monday. It is a long distance.

113. How many English miles does that make?—I think 22.

114. Having made your arrangements and so on, did you get clear off from Claremorris on your way to Ballinrobe?—Yes.

115. Did you proceed without any impediment until you got to Ballinrobe?—Yes, we did, until we got within two miles of Ballinrobe, when we heard from people who had left the town, that it was in a very great state of excitement, and we had a consultation; and we decided that it was necessary that I should send in a deputation for more troops to protect us going into the town; I did send a deputation in to the commanding officer, and we halted about two miles the other side of Ballinrobe; and he sent me out 25 infantry.

116. He sent out to you, before you entered the town of Ballinrobe, a detachment of 25 infantry?—Yes.

117. You halted about two miles outside the town until they came to you?—Yes.

118. How many cavalry had you in your escort before the 25 infantry came?—You stated that I had a troop; it was not so; it was only 25.

119. Then you had 25 cavalry, and the 25 infantry that were sent out?—Yes.

120. You must not tell us what it was; but from what you had heard of the state of the town, did you think it was necessary to have an additional force of military before you took your men into the town?—Yes; there were a great many gentlemen with us besides another magistrate, and from what we heard from the people who met us, the men would not go in without we had more soldiers.

121. The men refused to go in?—Yes.

122. Was it from alarm?—Yes.

123. By the *Committee.*] How long were you going from Claremorris to Ballinrobe?—We took a long time, for they were very bad horses, and they were all mounted on jaunting cars, and we used to trot a mile and walk a mile; I dare say we were in Ballinrobe at three o'clock; we started at 11, and we were in Ballinrobe about three o'clock.

124. Mr. *Edwin James.*] When those 25 infantry came out, did you proceed with them; you say that it was about two miles from the town; did you proceed into the town of Ballinrobe?—We did.

125. I suppose you had about the same number of voters with you then?—The same number, upwards of 100.

126. How many voters had you on horseback?—We had 40 at least.

127. As you approached the town, did you go near a lane that leads into Ballinrobe?—Yes; we had a consultation which was the best way to go into the town. I did not know the town so accurately as most of the others did, and it was decided that as the hotel yard opened into the lane it would be the better way to go in that way, and go up the lane and get the voters into the yard at once, and the cars and horses and all, and we went that way.

128. As you went along, do you remember getting near a lane, and meeting a large mob of people?—I must explain that the lane is 20 feet wide; it is a lane which leads into the main street, so I sent on some dragoons to prevent the mob getting down the lane, and I also stopped the other end with police until they got into the yard.

129. Where had you got your police; had they joined you at Ballinrobe?—A few police came out with the infantry; I forgot to mention that.

130. Were they mounted police?—No, on foot; I sent them to the foot of the lane, and I sent the cavalry to the head of the lane, to prevent the mob from coming

coming in upon us until we got into this yard; when we got up to the gate where Colonel Higgins's voters were to go in, it seems that Mr. Moore's room, or hotel, was exactly on the opposite side of the lane.

131. What is the name of that hotel?—Mrs. Gildea's Hotel.

132. Was that Mr. Moore's and Mr. Palmer's committee-room?—It was Mr. Moore's and Mr. Palmer's committee-room; there is a very high wall on each side of the lane, and by some mistake or other they did not open the gate fast enough; the key was mislaid, or something or other, of Colonel Higgins's committee-room; and suddenly there appeared, upon the wall on the opposite side, people climbing up, as many as could get on it, and they set up a violent hooting.

133. What was the height of that wall; was it a wall which people could climb over?—You could not climb over it from the lane; they might have climbed from a ladder inside; I cannot stay.

134. You observed a number of people on the wall?—I did; and among the rest was Father Conway.

135. Describe what happened?—The voters on horseback went first; they were there at the gate, waiting for it to be opened, just exactly under where Mr. Conway and those violent persons on the wall stood.

136. By the *Committee.*] How many voters, about, had you?—Upwards of 100; I heard there were 130; but I did not count them.

137. Mr. *Edwin James.*] Go on, if you please?—Then, as I said, whilst the key was coming of this gate, the horsemen were all standing at the gate, and directly over them was Father Conway and the people that were with him that accompanied him; Mr. Conway got upon his knees upon this wall, and he took off his hat, and in a very solemn, loud voice in Irish—I understand Irish, but I do not speak it, but from sitting in court I know Irish.

138. Do you understand enough to know what he said?—I know what he said, because the very instant I got in the voters, I spoke to a gentleman about what was the exact English of the Irish which he used.

139. To the best of your understanding, what did you hear him say in Irish; just explain it in English?—I understand Irish, as I said before, but I cannot speak it.

Mr. *Montague Smith* objected, that the words being stated to be important words, must be given in the language in which they were uttered, and then interpreted by some impartial person.

Mr. *Edwin James* contended that the witness was now in the situation of a sworn interpreter; he might be cross-examined upon the correctness of his interpretation afterwards.

Mr. *Montague Smith* was heard in reply.

140. By the *Committee.*] Do you find it quite impossible to convey what Mr. Conway said in Irish?—I do; because, as I have said, I do not speak Irish, but from constant intercourse with people, and my labourers, and so on, I know always what they say.

141. Can you write it?—No, I cannot write Irish at all; very few who speak it can write it.

142. You mentioned some gentleman whom you saw when you got into the hotel?—Yes, there was a gentleman; and when I went in I said, "Did you ever here such language from a clergyman."

143. Does he speak Irish?—He does, but he is not here.

144. You do not remember the exact Irish words?—No.

145. The gentleman you spoke to, his impression was the same as your own, was it?—The very same, word for word, except we differed as to whether it was the word "people" or "flock."

The committee-room was cleared.

After some time the Counsel and Parties were again called in.

The *Chairman* stated that the Committee had decided on taking the evidence of the witness in the only way in which he appeared able to give it upon this point, namely, in English.

146. Mr. *Edwin James.*] To the best of your interpretation, will you give the Committee the substance of what you understood by the words used?—I will

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give the substance of it, but I will not give the grammatical translation as well as others that understand it; it was, "May my curse as a priest, and of the Church, and of the people, be upon you, if you vote for Colonel Higgins," he said, with his hat off, down to them just under him.

147. Was he on his knees?—He was on his knees.

148. On his knees on the wall?—Yes.

149. Mr. *Montague Smith.*] Just repeat the words?—"May my curse as a priest, and of the Church;" oh, I understood it to be seven times, but I am told that is not the translation; "if you vote for Colonel Higgins."

150. Mr. *Edwin James.*] Have you any doubt about the words?—"May my curse as a priest, and the curse of the Church, be upon you"?—No doubt.

151. By the *Committee.*] Where did the "seven times" come in?—After "people." "Seven times upon you, if you vote for Colonel Higgins." I put my translation upon it, but those that understand it do not put that number upon it; but I only tell you how I translate it; I do not pretend to know Irish perfectly.

152. Mr. *Edwin James.*] This was addressed, you say, in a solemn manner; he was upon his knees upon the wall with his hat off?—Yes.

153. This was addressed to the voters of Colonel Higgins whom you had under your charge?—Yes.

154. What was his manner; did he speak loud?—He spoke very loud.

155. Did he speak it loud enough to be heard by the large concourse of people?—All the voters heard it, and the soldiers heard it.

156. Was this repeated more than once?—It was several times.

157. Did you get your voters into the hotel yard?—Then shortly after this scene the gate opened, and the horsemen of course rushed in as quickly as they could, and then came the jaunting cars to be got in, and one or two got in pretty safely, when some portion of Mr. Moore's mob got in; I knew them to be so.

158. Was there a large mob collected?—Yes; you see the hotels were opposite each other; the committee-rooms; I do not know what mob he had inside that high wall, but out they came, and in a very violent manner; they seized hold of the horses by their heads.

159. From that enclosure; from that space?—From that side.

160. From that space enclosed by the wall upon which this priest was kneeling, you say there issued a number of violent men?—Yes.

161. From that space?—Yes.

162. You had not seen them before from the wall?—No; then they seized the horses by their heads and backed them upon one another, and crushed them upon one another, and shook handkerchiefs in their faces to prevent them going in until I got a few troops to clear them away.

163. Where was the priest Conway while they were doing that?—Still upon the wall; and just at that period they commenced flinging stones at the freeholders underneath; among the rest I got a severe blow from a stone upon my shoulder myself, and Mr. Prendergast had a stone flung at him, but it missed him and hit his gig, from the wall, from where the priest was.

164. After these men had rushed out and acted in this manner, was Mr. Conway still remaining on the wall?—He remained on the wall until young Mr. Bourke, who had some other voters on a jaunting car, got off his horse, and he said, "I will take care of my men and bring them in," and he took the horse by the head. He was a young gentleman who had some voters with him, who were also pelted. Mr. Bourke pulled out a pistol and he said, "I am determined, if any man flings a stone at my men, I will give him the contents of this pistol," pointing it to where Mr. Conway was, and he very quickly disappeared.

165. He jumped off the wall, did he?—Yes.

166. After that, when you say your dragoons had interfered to protect the people, did you see Conway at a window?—No.

167. Did he say anything else?—After I got the men in, and we were congratulating ourselves, he rode into the lane. Mr. Conway got upon a horse, and he came rushing in. I do not know how he got in, unless through the hotel on the opposite side. He came up to me, and in a very violent manner abused me, and called me all manner of names for the part I had taken. I said I was only doing my duty; that I had only done what I had done at the last election with his approval. He was in the most excited state that ever I saw, and after he had

abused

abused me, and one thing and another, he turned round to the people and said, "Boys, boys! do not kill a policeman or a soldier!"

168. Mr. *Montague Smith.*] In what language did he speak?—That was in English.

169. By the *Committee.*] You said you had 25 infantry; where were they all this time?—I had them in the lane to keep the great mob which was in the main street out of the lane.

170. Mr. *Edwin James.*] This was a lane apart from the larger portion of the town?—Yes, leading into the hotel yard.

171. Did you see at that time a larger mob, or see any large mob assembled in the town?—Outside I saw a tremendous mob.

172. In the town of Ballinrobe?—Yes.

173. You are not a very nervous man, I dare say, but from what you observed there, was that calculated to intimidate any person, the scene that was going on?—Yes; in fact, the voters that were on horseback, I never saw any people so intimidated as they were. They were in a dreadful state, and of course all of us were more or less. We were all afraid. I was certainly not afraid, because I was placed in that position that I had not time to think of being afraid. The crowd were threatening to break in upon us, and if the crowd had broken in upon us, they would not have left us a voter.

174. You left the infantry to prevent the larger mob from breaking in upon you?—Yes.

175. Was there enough of people there in that mob to have interfered with your protecting your voters?—Certainly.

176. Did you get your men by this means safely into the hotel yard?—Safely, after some of them were struck with stones.

177. Had you to get your voters from the yard into the hotel?—Yes; that yard did not communicate with the hotel.

178. The yard into which you got them did not communicate with the hotel?—No; we were, I suppose, for two hours before we could get them all in.

179. What became of Conway after he reappeared from the wall and said, "Boys, boys! do not kill a soldier or a policeman!" what became of him?—He went to a house lower down than Colonel Higgins's hotel and made a speech. He was speaking away from the window.

180. About what time was this on the Sunday?—About three o'clock on the Sunday afternoon.

181. Did you get your men ultimately from the yard of the hotel into the hotel?—By great efforts, and clearing the lane by a very large force, and getting them in in twos and threes at a time into the hotel. There was a very violent mob on the outside of the hotel.

182. Where did you go?—I went into the hotel, and remained there till the election was over; two or three days.

183. Had you sent your portmanteau with the intention of going to Mr. Griffin's house?—Yes, I was to have stopped at Mr. Griffin's house, and have slept there that night.

184. Whereabouts is Mr. Griffin's house in Ballinrobe?—It was not 300 yards from where I was.

185. Why did not you go to Mr. Griffin's house?—I made one or two attempts, but I was so marked that I was pelted and shouted at the moment I made my appearance; I could have commanded an escort no doubt, but if I had it would have weakened the guard which was upon the house, which was threatened by a very large mob outside.

186. Do you think you could have safely gone from that hotel without an escort to Mr. Griffin's house?—No, I could not go near him.

187. What was the state of the town that night?—All that day, Sunday, and all night, and the next day, and the second day, and the third day, I never saw so violent a mob in any town or in any place that I have been in in my experience.

188. By the *Committee.*] Are you a stipendiary magistrate?—No; I have been a magistrate for 25 years.

189. Were you selected for the duty of escorting the voters?—Yes; there were five or six, or eight, appointed in different quarters by the sheriff.

190. You were appointed by the sheriff?—Yes.

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191. Mr. *Edwin James.*] You have been present at many contested elections in the county of Mayo, I dare say?—At many.

192. Have you ever seen such a violent scene as this?—Never; not even in Carlow.

193. How long did you remain in the hotel; you stopped there all night; did you get an opportunity of going out?—I could not go out; I was not able to go to the poll the next day.

194. You were anxious to poll on the Monday morning?—Yes.

195. How far is the polling place, the court-house, from the hotel where you were stopping?—I should say it was not 100 yards.

196. Could you safely, from the state of the town, on the next morning have gone to the poll without an escort?—No; nor could any one of Colonel Higgins's voters.

197. By the *Committee.*] And they did not go?—We escorted the men; we gave them an escort, and took them down in small numbers each time.

198. Mr. *Edwin James.*] What time did you get out that morning, or could you get out?—I could not get out to poll until there could be an escort sent to me; Colonel Higgins had polled his men, and then I got an escort, and I got out about the middle of the day, just before the poll was closed.

199. Could you safely have walked up on the Monday to the poll, to the court-house, without an escort of military?—No, I could not.

200. The court-house is 100 yards from the hotel?—Yes.

201. During the Monday, you say you sent up Colonel Higgins's voters with an escort?—Yes.

202. How did they go; how many at a time to protect them?—The force being rather scarce and wanted in other places, we used to bring four or five at a time, and sometimes only two, who had to be surrounded by police and military and a magistrate.

203. The voters, in quantities of either two or four, had to be surrounded by the police, and a magistrate with them?—Yes.

204. Was information brought to you that Colonel Higgins had come into the town of Ballinrobe on the Sunday evening?—Yes.

205. You knew, I believe, that he was stopping at a Mr. Tighe's?—He was.

206. Is that nearly opposite the hotel?—It is.

207. Were you anxious to have seen him?—Most anxious.

208. Could you safely have gone across the street, in your opinion?—No; I made three attempts, in company with another gentleman, but I could not attempt it, because I was known; they know me there so well. I have lived in the neighbourhood all my life.

209. You were high sheriff in 1852?—Yes.

210. Except for this excitement and agitation were you unpopular at all among the people?—On the contrary, I always was popular until then.

211. You were a large employer of the poor, and not unpopular?—Not at all.

Cross-examined by Mr. *Montague Smith.*

212. You say you were sheriff in 1852; was Mr. Higgins, the father of Colonel Higgins, sheriff at this last election?—Yes, his father.

213. Do you know the deputy sheriffs who were appointed by him?—I do.

214. Were most of them members of Colonel Higgins's committee?—We had no committee; I do not think any of them were on.

215. Were you a member of the committee?—At the assizes, previous to the election, the friends of Colonel Higgins formed themselves into a committee.

216. Were you one of those who formed themselves into a committee?—I was at the previous assizes.

217. How long was that before the election; was it seven or eight days?—It was more, for Galway assizes were between about a fortnight or three weeks perhaps.

218. Was Captain Brabazon on the committee?—I do not think his name is on; I forget exactly; he was at the assizes; he was attending the grand jury at the time I was there.

219. Was he on the committee; surely you can tell me?—His son was, but I do not think the father was.

220. Was

220. Was he appointed a deputy sheriff for the purposes of the election?—He was for his own town.

221. Do not you know that both Captain Brabazon, both father and son, were on the committee?—Well, I will not speak for the father, but certainly the son was. If I saw the list I would tell you.

222. But they were active partisans of Colonel Higgins?—Yes, they were near relations, they were his cousins.

223. Did you ever see that list of the committee (*handing the same to the Witness.*) I dare say you have seen that list of Colonel Higgins's committee?—I never saw this list; there are a great many names added to it since it was got up at the assizes.

224. Did you never see that list published?—Not that list.

225. Did you see the first 40 published?—I recollect seeing a list with the Rev. Dean Bourke at the head of it.

226. Mr. Francis Bourke, was he one of Colonel Higgins's committee; Dr. Bourke?—I think not.

227. Mr. Edward M'Donald, was he on the committee?—There was a Mr. Joseph M'Donald on it.

228. No, Edward, of Cahir House?—It was not a committee; it was "At a meeting of the friends of Colonel Higgins" it was headed; it was done at the assizes.

229. You formed yourselves into a committee at the assizes?—If you call it a committee, we did.

230. I do not call it anything; did you yourself call it a committee?—I believe it was called a committee; I could tell if I saw the document, but that is not the document I had.

231. Was that gentleman upon it—Mr. Edward M'Donald?—I cannot tell you, because he might have signed it after I did.

232. Was he or not, with your knowledge?—I cannot say.

233. Was Mr. Malley?—I cannot say, either.

234. Thomas O'Dowe?—I do not know.

235. Being on the committee were they active friends, these gentlemen, of Colonel Higgins, Mr. Edward M'Donald, Mr. William Malley and Mr. Thomas O'Dowe?—I do not think they did much for him, one way or the other.

236. Did they do anything for him?—I think they were well-wishers for him; I do not know that they were active.

237. Were they deputy sheriffs?—I believe O'Dowe was, but not on my side of the country; I know Captain Brabazon was.

238. Who was in command of the military escort?—I really do not know his name; he is a young man; it was half a troop, or twenty-five soldiers.

239. What regiment?—I do not know; they were heavy dragoons.

240. You do not know the name of the officer in command?—I do not.

241. Who was the magistrate in command?—I was.

242. But you were bringing up the voters for Colonel Higgins; then you were also magistrate in command of the troops?—I was not bringing up voters for Colonel Higgins; I was in command of themen—of their safety.

243. I misunderstood you; I understood you were concerned in bringing up the voters?—In that way I should take any voters that their masters requested should be protected by the military. I was sent there with a deputation from the sheriff; there were other magistrates had deputations.

244. You were sent there with a deputation from Colonel Higgins's father, the sheriff, you being on the committee, and well known to be an active partisan of Colonel Higgins?—I was one on the committee, if you call it a committee.

245. Were you not an active partisan?—I gave him all the votes I could.

246. Did you canvass for him?—I did.

247. Was it known in the county that you were an active partisan of Colonel Higgins?—It was known.

248. And you were put in command of the military?—I must tell you, there were two other persons in command that brought the men to me that morning. I had to relieve them; there were two deputations brought in men that morning to Claremorris to me.

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249. Were you the only gentleman who had the military?—They had police, but I had the military.

250. By the *Committee.*] You were attached to the military, not to the voters?—There were two other deputations out; they brought in from the county a large body of voters with the police.

251. Your duty was, as a magistrate, in case of riot, to give orders to the military to act if there was a riot?—Yes.

252. The voters might have been for Mr. Moore instead of Colonel Higgins; your duty would have been the same?—The same; I would have taken any one under my protection that day.

253. Mr. *Montague Smith.*] I think at the place you went to, you understood that the voters to be brought up from that place were voters in the interest of Colonel Higgins?—Yes.

254. You did not expect to find any voters there in the interest of Mr. Moore or Mr. Palmer?—No, I did not; they did not require protection.

255. By the *Committee.*] Would they have been in danger?—Not Mr. Moore's men in the least.

256. Mr. *Montague Smith.*] You went to meet voters of Colonel Higgins; did you bring up any voters on your own estate?—No; mine were in the next barony.

257. Did any of your tenants come up in your escort?—No, not one.

258. Who were the other magistrates; you spoke of the two others, who were they?—Deputations. Mr. Nolan Farrell brought in a body of voters from his side.

259. By the *Committee.*] What do you mean by deputations?—It was supposed that the magistrates could not act upon elections at all, but that was wrong; that was the reason why the magistrates brought deputations from the high sheriff; it was supposed until they received a letter from the secretary, stating that they could do that, that no magistrate could act; this deputation is a regular printed form.

260. It is in point of fact a letter, or order, from the high sheriff?—It is under his hand and seal.

261. It goes by the name of a deputation?—Yes: I depute so-and-so under my hand and seal, to go in command of the forces, to go to so-and-so; it is a regular printed form used all over Ireland.

262. Mr. *Montague Smith.*] For the occasion of the elections?—Yes.

263. By the *Committee.*] Your own tenants did not go with you?—No, not one.

264. How did they get to the poll?—They lived nearer to Ballinrobe and they came in one by one quietly, but they could not even get near me to see me to know whether they were to plump or not. They could not get to see me. I could not get to see my tenants, one of them.

265. They came in quietly by themselves?—They came in quietly by themselves; nobody noticed them; they came in one by one; they are pretty well known in the district of Ballinrobe.

266. Mr. *Montague Smith.*] Was not it known how they would vote?—I do not know.

267. Was it not notorious that you were going with Colonel Higgins?—Not at all; some of the Rutlidges voted for Mr. Moore and some for Colonel Higgins; the family did not all vote one way.

268. Was not it notorious that you yourself were a supporter of Colonel Higgins?—Yes.

269. The other magistrate you spoke of was Mr. Farrall, who had a deputation; was he on Colonel Higgins's Committee?—I do not know.

270. Was not he one of those who at the assizes agreed to be put upon the committee?—I know he was a supporter of his.

271. A strong supporter?—I do not know that he voted for us; I know he got such a beating that I do not think he was able.

272. Was he a strong supporter?—Yes.

273. Who was the other magistrate?—My agent, Mr. Walter Bourke.

274. Was he on the committee?—I do not know.

275. He was a supporter of Colonel Higgins?—He supported Colonel Higgins.

276. Then

276. Then as far as the deputations went were not they the friends of Colonel Higgins?—I do not know that all were; a great many of the deputations, three were friends of his, certainly.

277. You say at Castlebar you saw Dr. M'Hale outside the gate of the court-house?—Yes.

278. Do I understand you to say that he went into the court-house and into the gallery?—I do not know; I did not say that.

279. Was Dr. M'Hale inside the court-house at all?—No, I think not; I did not see him inside. I should have seen him if he was. I said Mr. Comway and the others went in after the gate was opened.

280. Then Dr. M'Hale did not go in?—Oh, no; not to the court-house.

281. Did Dr. Durcan; you have spoken of one of the bishops; did he go in?—I think not. I am not very intimate with Bishop Durcan by sight at all.

282. Are you sure you saw him there at all?—I was just thinking there is a Durcan there, a priest. I do not think it was the bishop.

283. Was Dr. Durcan there at all?—I was just going to correct myself upon that, because I mistook; I do not know the man's appearance.

284. How came you to say you saw the man there?—I thought the other man was the bishop.

285. You said in your examination-in chief that you saw the bishop there?—I intended to correct myself upon that, because I will not undertake to say he was the bishop. I do not know his appearance.

286. How came you to tell my learned friend he was there?—I thought that Durcan, the parish priest, was the bishop.

287. At the time my learned friend asked you the question, you answered that the bishop was there; how did you find that out since?—I never spoke to an individual on the subject since I said it here. I never asked the question of any one outside, but it is from turning in my mind that I do not know Bishop Durcan. I intended to have said so. I never spoke to an individual on the subject since I was here.

288. By the *Committee.*] Are they brothers?—I do not know.

289. Mr. *Montague Smith.*] How came you to say to my learned friend that you had seen the bishop, when now you say you do not know his features?—I do not know the bishop. I know one of those bishops, Dr. M'Evily; he is the only bishop I know. I have turned it over in my mind since. I know M'Evily and the Archbishop. I intended to mention it. I did not ask any one.

290. I understand you to say, as my learned friend put it, that after the placard at Castlebar and the nomination, there was excitement; was there more than the ordinary excitement due to a nomination at Castlebar?—It was more than I have usually seen at Castlebar; but it was nothing to what I saw at Ballinrobe.

291. Was there anything more than the ordinary excitement of an Irish nomination?—There was a great deal more.

292. You were at the nomination?—Yes; and had it not been for the determined stand that the sheriff took, and those persons being there, I think it would have been a great deal worse; but he took a very high hand, and kept them in order.

293. Do not tell us what would have happened, but what did happen; do you mean to say there was more than the ordinary excitement of an Irish election at that nomination?—I do.

294. How was it displayed?—The angry feeling which they showed to the friends of Colonel Higgins, people who used to be such friends with me, as though they were hired to show angry feeling; they showed it to people who were their friends up to a late period.

295. How were the angry feelings shown?—Shouting at you, and calling names, and things of that kind; Castlebar is the head quarters; they could not do much there.

296. You say the military were there?—Yes.

297. Has the military usually been called out at the elections in Mayo?—I have seen them called out.

298. At all former contested elections?—Not at all elections, but some.

299. Contested?—Oh, contested, of course.

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300. By the *Committee.*] Do you mean to say that at all contested elections the military have been called out?—No, I do not.

301. Mr. *Montague Smith.*] I ask you that again, whether ever at a contested election, within your memory, the military have not been called out?—At every election that is contested there are military brought into the town; but what I call calling out the military is to put down a riot; to keep the peace.

302. We will not differ about terms; they are brought in, are they; have you ever known them used to escort voters before at an election at Mayo?—Certainly.

303. Did you ever know an election where voters were not escorted by the military?—I was at an election the other day, and there was no military; that is in Galway; that is one election.

304. I am not counsel for all Ireland, as I have said before; have you ever known a contested election for Mayo without troops?—I think I remember one; I do not think the troops were escorting voters at the time Moore and M'Donald had an election; it is a long time ago.

305. But as a general rule, troops are used to escort voters at a contested election?—Where they have to pass through dangerous towns.

306. I suppose you have certain towns marked on the map "dangerous"?—If you were there you would find out.

307. You say you have known an election there in the adjoining county Galway; the military are always brought in, are they not?—The military were brought into Galway, but they were not called out this election.

308. However, they bring in the military; about the officer, was Captain Grayborne the officer?—I do not know whether that is his name or no; it was not a captain I had; I forget his name; I should know him if I saw him.

309. About this chapel, you were going out of Claremorris at the time the people were in chapel?—Yes; we settled that we should start while they were at prayers, and we did not expect it would be over so soon as it was.

310. You had not to pass the chapel?—No; we left to our left, behind us.

311. The hotel at which you started was on the Ballinrobe side of the chapel?—A little.

312. Then when you started, could you see the people come out of the chapel, or did you see anything of them until you say they came after you?—I saw them running down the place from the chapel, a narrow lane.

313. Did you see them coming out of the chapel?—I did not see them come out of the chapel, but from the chapel.

314. You did not see them come out of the chapel?—No; because I tell you I was not in sight of the chapel; but from the chapel they came.

315. You have spoken of one man who got a blow from a stone, was any other man hurt?—I was severely hurt.

316. At Claremorris?—Yes, and in Ballinrobe.

317. I spoke of Claremorris?—I was struck with stones. I was riding very hard; if I had not been I should have been killed.

318. Tell me what did happen, not what might have happened?—I was struck with stones all on one side of my body.

319. At Claremorris?—Yes, and my horse was hit, and several of the gentlemen were hit, and the men were hit.

320. Did you see Mr. Isidore Bourke come into Claremorris with his voters?—I did.

321. Was there much shouting by that party as they came in?—No.

322. Was there any?—No; there was a large body of freeholders; they were not shouting.

323. Were they cheering as they came through the town for Colonel Higgins?—No, they were very much afraid; they did not wish to stay in the town at all.

324. That is not an answer?—No, they were not cheering.

325. Did they not cheer at all?—No, they did not; they rode very quickly away out of the town.

326. There was no cheering or shouting?—A great many rode away before me. I cannot tell what they did after they left me; they rode away.

327. Did

327. Did you not yourself hear cheering or shouting?—No, not at all.

328. None at all?—No.

329. None at all?—No.

330. Perfect silence?—Not silence, but there was no cheering or shouting.

331. Now go to Ballinrobe; you say that you saw Mr. Conway upon the wall?—Yes.

332. And the Committee have permitted you to say what your understanding was of what Mr. Conway said in Irish. Can you write down at all in Irish what it was he said?—No, I cannot write Irish, nor do I know a single gentleman that speaks it, that can write it, except that gentleman sitting beside you. He is the only one I ever met with; he will write it for you.

333. Can you give any articulate sounds which will at all represent what you heard in Irish?—I speak very bad Irish.

334. Speak it as well as you can, because there is a gentleman here who does speak it?—I could not speak the curse or that imprecation in Irish; it is not the sort of language I am accustomed to.

335. It is not the sort of language ou are accustomed to?—I understand it. As a magistrate I understand every word a witness says, and so the witnesses understand English who do not speak English; they understand our English in the same way as I understand what witnesses say in Irish.

336. Can you tell me at all what were the words that were used?—"My curse as a priest."

337. Can you state in Irish?—No, I cannot. I can give you the Irish for "priest"—"soggat."

338. Did you hear that?—I did.

339. What other words did you hear?—I heard the word "tampel" very plain, that is church.

340. You heard then very plain, "priest" and "church"?—Yes.

341. By the *Committee.*] And the other word "curse"?—"*Mahocht*;" I could not say it.

342. Mr. *Montague Smith.*] Then you give the words "priest" and "church." There is one word that is very material; what made you suppose that he said "seven times;" you afterwards found you were wrong about that?—I could not understand the Irish thoroughly, so as to give an exact translation of it; and when I went into the hotel I spoke to a gentleman who speaks Irish uncommonly well, and he was much horrified at it, and he gave it as it came out; and I said "I heard him say 'seven times'" "No," he said; "it was 'a million times.'"

343. Did you repeat the words to that gentleman?—We both repeated the words to each other; he repeated them several times to me.

344. Did you repeat the words to that gentleman in Irish?—No, I never did; I could not.

Mr. *Edwin James* stated that he would call Mr. *Prendergast.*

345. Mr. *Montague Smith.*] You cannot give me any further information upon that. Now, about Mr. Bourke's pulling out a pistol; did he present it at Father Conway?—No, he presented it a little to the left of him. Mr. Conway was not flinging stones, but his party upon the wall were.

346. Then he did not present it at Mr. Conway?—I think not; he was on the wall, and, as far as I could judge, he aimed it at the men who were flinging stones.

347. Are you quite sure that what Mr. Conway said in Irish was not to desire the men not to fling stones?—Upon my word, I am quite sure it was not.

348. You are sure of that?—Yes.

349. Are you quite sure also that the pistol was not directed to him?—I think it was directed to a man who was flinging stones just beside him.

350. Did a stipendiary magistrate go up to Mr. Bourke and take the pistol from him?—Mr. Bourke said he did not want the pistol any more, it had done its duty; and he said, "I give up the pistol, for I do not want it any more."

351. Did not the stipendiary magistrate take it away from him?—No, he asked him politely: "Now, my dear Bourke, give it up," and he gave it up; he did not demand it.

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352. By the *Committee.*] Who was the stipendiary magistrate?—Mr. Arabin.

353. Mr. *Montague Smith.*] Now Mr. Bourke drew his pistol, which the stipendiary magistrate politely took away?—That was afterwards; the stipendiary magistrate was not at this scene at all.

354. When was this pistol presented?—It was in getting the men into that yard.

355. By the *Committee.*] Do I understand you to say that this remark of the stipendiary magistrate had no reference to the pointing of the pistol at the wall?—No; Mr. Conway went to the stipendiary magistrate and complained that Mr. Bourke had presented a pistol at him, or something like that. I was not present, but I was told so by the stipendiary magistrate; the stipendiary magistrate came to Mr. Bourke, and Mr. Bourke said, "You shall have no further trouble about it," and handed the pistol to him.

356. When was that?—It was when the men were all safe.

357. Mr. *Montague Smith.*] Did you order the dragoons to draw their swords?—I did; two dragoons; only two.

358. You did?—Yes; just to clear away those men that were backing the horses.

359. Did not the officer in command order the men to put their swords back into the scabbard?—Certainly not; but he might as well have done it, for they had done their business.

360. Did not the officer in command order them to put their swords back again?—Not in my presence; in fact I ordered them to draw their swords, two of them, who were near me, as I had no police, to arrest the men; the infantry would not arrest them; they said it would break the line. Then I had no possibility of arresting these violent men that were backing our horses and shoving them against each other in the streets.

361. By the *Committee.*] During the march, had the cavalry their swords drawn?—No.

362. Mr. *Montague Smith.*] Where was the officer in command of the detachment when you ordered the two men to draw their swords?—He went to take up a position at the head of the lane, to stop the people; there were two dragoons at the time beside the cars; those men were dragoons that were guarding the cars; I said, "You see that these men will not permit the horses to go into the yard; draw your swords, and clear them away out of that," and they did so; and then, as soon as the men were taken away from the horses' heads, the dragoons put back their swords without any orders. I did not see the officer at all; he was not near me; he was up the lane, to keep the crowd out of the lane.

363. Do you say that they returned their swords without any command from the officer?—I did not see the officer at all. I do not know whether they did that by the order of the officer or not, but they put up their swords after everything was over.

364. Did you see the officer come back to them?—I did not see him till he came back to ask my leave to go home.

365. By the *Committee.*] Was there more than one dragoon officer?—No, only one. I did not see him during the getting of the voters in at all. He was not near me until he came when it was all over. "Now," said he, "this is all over, may I go home?" I said I thought not; and I kept him a little longer.

366. You said that Dean Bourke seconded Colonel Higgins?—I did not say that, but he did second him.

367. You say this placard was about the town which has been pointed out to you by my learned friend, signed by four bishops?—It was.

368. Did you hear Dean Bourke say, when somebody called for three cheers for Dr. M'Hale, "I join in that cheer, and say from the bottom of my heart, 'A long and happy life to Dr. M'Hale'"?—I think he spoke kindly of him, but I will not speak to what he said.

369. Was that the substance of what he said?—That was the substance of what he said. "He is my superior," or something, he said, "and I wish him long life."

Re-examined

Re-examined by Mr. *Edwin James.*

370. Did the Dean make a conciliatory speech of the Archbishop, as far as he could?—He did.

371. At the time of the nomination you say you had not seen the extent to which those proceedings were going on at Ballinrobe?—No.

372. You did not see Ballinrobe till the Saturday and Sunday?—No.

373. You have been asked about the committee; it was a provisional committee, was not it?—Yes.

374. And to which a number of gentlemen put their names down at the assizes? Yes, at the assizes.

375. Many of the gentlemen who put their names down at the assizes to insure the return of Colonel Higgins, were men who formed no active election committee?—No, we had no meeting; we never had a meeting.

376. You have been asked about the deputy sheriffs; you are aware, as a magistrate, that being a deputy sheriff in Ireland requires the qualification of being a 50 *l.* freeholder?—Yes.

377. Is there a difficulty in getting gentlemen to act as deputy sheriffs at an Irish election?—There is.

378. It is very bad pay, is it not; a guinea a day?—Yes, it is nothing at all.

379. There is a difficulty in getting gentlemen to act as deputy sheriffs?—It is very difficult to get them, because 50 *l.* freeholders are very scarce.

380. In consequence of something that has been heard with respect to Ballinrobe, it was arranged that you should go as a magistrate, and attend the military escort of the voters?—Yes.

381. You have been asked about prior elections; did you ever see such a scene at any town before as you did in Ballinrobe?—Never in any county, and I have votes in five different counties.

382. But speaking of Ballinrobe; did you ever see anything like that?—No; nor in Mayo.

383. Did Mr. Moore's voters require any protection, from anything you ever saw?—Not the least.

384. As far as you saw, was the violence directed against Colonel Higgins's voters?—Against Colonel Higgins's voters and friends.

385. You were anxious, you say, for the military to get your voters into this yard at the hotel?—They were anxious, and I was anxious for their safety; and the voters themselves wished to be protected; and they all considered it was the safest to get into the yard, and not to go through the town.

386. There was a large mob in the town?—Tremendous.

387. When those dragoons drew their swords, those two, you say it was in consequence of some men waving some handkerchiefs before the horses, having got hold of the horses' heads?—Yes, and backing the cars; not allowing them to go into the yard; they were most violent, and I had no police to arrest them; the police were far off, and the soldiers would not arrest them; they would not break their line.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven.

Veneris, 26° *die Junii*, 1857.

THE Names of the Members called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Richard Prendergast, Esq., was called in; and, having been sworn, was Examined by Mr. *O'Malley*, as follows:

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388. YOU live at Ballygowan, in the county of Mayo?—I do.

389. What are you?—A solicitor retired from practice for years back.

390. You are a voter for the county of Mayo?—Yes.

391. Do you know Mr. Isidore Bourke, of Corraleagh?—I do.

392. And Mr. David Watson Ruttledge, who was examined here yesterday?—Yes.

393. Were you on the 5th of April at Claremorris?—I was.

394. Did you accompany Mr. Isidore Bourke from Claremorris to Ballinrobe?—I did.

395. That was on the Sunday?—On the Sunday, with the exception of a very short interval that we were separated.

396. You went to vote at the election?—I did.

397. For Colonel Higgins?—For Colonel Higgins.

398. Did Mr. Ruttledge escort at the same time a body of voters to Ballinrobe?—He did.

399. He had a military escort?—He had a party of dragoons.

400. You went with him the whole way to the town of Ballinrobe?—I did.

401. When you arrived at Ballinrobe, did you turn up a lane to avoid the mob?—Yes.

402. To endeavour to get quietly to your quarters?—Exactly so.

403. Did Mr. Ruttledge and the voters go up that lane?—They did.

404. And the military escort?—They did, and an additional party of military, and I think constabulary, that met us some two or three miles from Ballinrobe for the purpose of giving greater security.

405. Met you outside the town?—Some short distance outside the town.

406. Did you come to a halt in the lane?—Yes.

407. Is there a wall running down one side of that lane?—There is a wall on either side of the lane.

408. There is a wall?—Yes, opposite, on the two sides.

409. You chose the lane, you say, as a quiet way of getting to your quarters?—Yes, it was chosen, I had no voice about it. I went on along with the people.

410. Were the voters attacked in that lane?—They were.

411. By whom?—By a party of people that had been upon the opposite wall, either on the wall or inside it, but upon a level with the wall. I say they commanded from their position the wall, whether they were on the wall or not.

412. They commanded the wall?—They did.

413. Was that a considerable amount?—No, indeed, I would not say it was. There might have been some 7 or 8 or 10 people upon it; I am speaking of the yard inside the wall.

414. But round about?—Round about there was an enormous quantity.

415. Near enough to support the 7 or 8 who were there?—Quite so.

416. Who appeared to you to be leading that mob?—A clergyman appeared to me to be leading that mob.

417. Mr. Peter Conway?—I did not exactly know him personally at the time, but he had been, as we were coming up.

418. Do you know him now?—I have not a doubt of the individual, but personally I did not know him at the moment.

419. By the *Committee.*] Have you any doubt that it was Mr. Conway who did this?—No doubt; I asked upon the spot.

420. Mr. *O'Malley.*] You say that you have no doubt it was Mr. Conway who was leading them?—No doubt; he was upon the wall, and I should say they were acting under his influence and directions; influenced by him altogether, it would appear to me.

421. Whereabouts did he station himself?—Either on or inside the wall; I could not say which.

422. Did you hear him speak?—I did, I heard him speak repeatedly as we were advancing through the lane up to where we were to stop.

423. You speak Irish, I believe?—I do.

424. Very well?—Very well.

425. Did he address the mob in Irish?—He did. I do not say it was the mob, because the party I was with decidedly were not a mob; they were the voters.

426. I want to know, before you say what he said to the voters, did you hear him say anything to the mob?—I cannot say I did.

427. But you did hear him speaking before the voters came up?—As we were coming up I heard a voice, and I heard the expressions; they were repeated over and over and over again.

428. You tell me he addressed the voters?—Yes.

429. First of all, had he a hat on when you saw him first?—That I cannot tell.

430. Had he a hat off when you heard him speak some of those expressions?—That I cannot recollect; I will only say what I recollect.

431. Can you tell me anything you heard him say?—I can.

432. I understand that what he said was in Irish; you are going to give us a translation as near as you can: you will give us the English of what he said?—I will. "May the curse of God and the curse of the flock upon any man who votes for Higgins!"

433. By the *Committee.*] What does "the flock" mean?—It means the congregation.

434. That the congregation were to curse?—Of course, that is the plain meaning.

435. Just repeat it again slowly?—"The curse of God and the curse of the flock on any one who votes for Higgins!" That is my interpretation of the expressions.

436. I believe one of the counsel here speaks Irish?—Perfectly.

437. Perhaps you will say in Irish the words that you heard the priest use in Irish?—I will: "Molocth ghe hoggus Molocth aphulbid gogiunal elbech a veris voter gur Higgins!"

438. I believe you are a Roman-catholic yourself?—I am.

439. And you have been well acquainted all your life with the habits and feelings of the peasantry?—I have.

440. And the class from which those voters were taken?—Yes.

441. Was this language repeated often?—It was several times; it was repeating; in fact, I heard the voice before I could exactly know the expressions. The voice was going on as we were coming up from the moment we entered the lane, and as we came up he was repeating it.

442. Did it appear to you that those were used as merely idle words of anger, or that they were used in the way of priestly imprecation?—

Mr. *Montague Smith* objected to the question.

443. Then just give us the manner?—The manner was exceedingly excited, very excited; I would say, very violent.

444. Was there solemnity in the manner?—Decidedly; oh, certainly.

445. I suppose you have heard imprecations before now?—I have.

446. I think I may ask you, then (I must persevere with that question, and let the Committee decide it), did it appear to you that this was uttered in the way of priestly imprecation?—

Mr. *Montague Smith* objected that this was asking the Witness to draw an inference, whereas that was for the Committee. The Witness could only be asked as to facts.

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Mr. *O'Malley* was heard in support of the question; it was important that the Committee should ascertain the mode in which the words were used.

Mr. *Montague Smith* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the question as put was a leading question.

447. Mr. *O'Malley.*] What appeared to you to be the manner in which this was pronounced?—I would say decidedly in the way of denunciation.

448. By the *Committee.*] That is your own personal impression?—That is my impression.

449. You are not speaking of the impression made upon the mob, but what was your own idea?—It would occur to me to be the same.

450. Mr. *O'Malley.*] What appeared to you to be the effect produced upon the voters?—I know perfectly well, that as regarded some of them with whom I have been in communication, it decidedly excited a feeling of disgust.

451. Did it appear to you calculated to awe Roman-catholic voters?—That was the intention of it, no doubt.

452. Was it calculated to effect its purpose?—Decidedly calculated to do it, but I know it excited a feeling of disgust in many of them.

453. Mr. *Montague Smith.*] You say it excited a feeling of disgust?—Yes.

454. Mr. *O'Malley.*] Being a member of that faith yourself, I ask you this, whether imprecations of that kind uttered by a priest are calculated to overawe the lower classes?—

Mr. *Montague Smith* objected to the question.

The *Chairman* stated that it was the opinion of the Committee, that the Witness had already said enough to meet the question.

455. Mr. *O'Malley.*] Did you observe what the state of the town of Ballinrobe was?—I did.

456. How long were you there?—I was there from the Sunday, or rather the early part of the afternoon, until the Tuesday morning.

457. Where did you stay?—At Monaghan's Hotel.

458. What would you say was the state of the town of Ballinrobe during the time you were there?—I would say it was in a state of ferment during the whole time I was there.

459. By the *Committee.*] I understood your evidence to begin on Sunday?—Yes.

460. I understand you now to say, that you were in Ballinrobe on the Saturday?—No, from the Sunday to the Tuesday morning.

461. Mr. *O'Malley.*] Ferment is a word capable of a great many degrees?—Well, then, the people seemed to be in a great state of commotion, and a great state of travelling about. The mob, I would call them, the infuriated mob, apparently.

462. The infuriated mob?—I would say so decidedly; I never saw more so.

463. You are aware I suppose of the very active part taken by the priests for Mr. Moore; I would ask you, did it appear to you that the infuriated mob was on one side of the question?—Oh, it did; oh, no doubt of it.

464. For Mr. Moore?—For Mr. Moore certainly, not for Colonel Higgins.

465. Did you observe, will you tell us, whether in your judgment it would have been safe for his voters to go out; could his voters go out without an escort, Colonel Higgins's? Was it necessary to have an escort for Colonel Higgins's voters, to enable them to go out with safety?—Not a doubt at all about it; no man in his senses would venture to come without protection.

466. Either military or police?—Yes.

467. By the *Committee.*] Does that question relate to the voters coming up to the town, or while in the town?—Either one or the other.

468. In fact, they could not leave the hotel to walk about the town in safety?—There was no walking about the town.

469. Mr. *O'Malley.*] Were you yourself confined to your hotel?—Indeed I was.

470. Who was in the hotel with you; were other supporters of Colonel Higgins?—They were all Colonel Higgins's supporters.

471. And you say that, in point of fact, they were restrained from going out about the town by the violence of the mob?—Certainly; Mr. Rutlidge, who I understand was examined yesterday, was one of the parties inside. He had not gone out no more than myself.

472. You describe the mob; would you say they had possession of the town?—I would decidedly.

473. Did you see the Rev. Peter Conway again, after you saw him on the wall?—Yes, I did.

474. Where did you see him?—I saw him on horseback and on foot.

475. Will you tell me where you saw him?—In the centre of the town, in the town, riding up and down.

476. You have told us that he appeared to you upon the wall to be the leader of the mob; did it appear to you that he was the leader of the mob in the town?—I do not like to go that length; I will not go that length.

477. Tell us how far you will go?—That he appeared to have the control of them; but whether he was leading them or exciting them I will not say.

478. I do not mean to say he was commander in chief?—That I cannot say.

479. But you thought he had a control over them?—I should say so.

480. Did you observe that where he went the mob went, or a mob went?—The town was crowded, so that I could not well tell you.

481. It was all a mob?—I will not say that, but the town was crowded; I dare say there were a great number of peaceable people there, but the mob appeared to me to be predominant.

482. Did you see any other Roman-catholic priests in the town?—I think I did on Sunday; I think I saw Mr. Hardiman, the parish priest of Ballinrobe.

483. Where did you see him?—I saw him in the town of Ballinrobe.

484. Did he appear to be taking any part?—No, indeed.

485. You say you saw Mr. Peter Conway there, you saw him on Sunday; did you see him on Monday?—I did.

486. Did you see him on Tuesday?—I cannot say that I did, for I left very early; I left as early as I could get away on Tuesday.

487. Is Ballinrobe his parish?—I think he is curate of Ballinrobe.

488. By the *Committee.*] But the parish priest was not taking any part, you say?—I will not say so; he did not appear to me to be.

489. Mr. *O'Malley.*] Were you at the polling booths?—I was.

490. When did the polling commence?—I believe about nine o'clock, I think; I cannot venture to say positively.

491. There were two booths there, one for Claremorris and the other for the barony of Kilmaine?—Yes.

492. How are they separated, those booths?—They are on either side of the Court-house. I did not go into the Kilmaine booth at all.

493. You did not see what was going on there?—No, I had no right to.

494. By the *Committee.*] Had you any difficulty in going to the polling booth; were you escorted?—I was.

495. Could you have gone there without an escort?—Decidedly not.

496. At other elections have you been escorted, when you have voted in former years for the county of Mayo; have you voted in former years?—On some occasions. I do not think I have, because I went with the popular party in some way or other; but Colonel Higgins appeared to be rather the reverse upon this occasion.

497. Has it been usual, at former elections for the county of Mayo, for voters to be brought up under the protection of an escort?—I would say not.

498. You would say not?—I think not, as far as my recollection goes; I think not; that would go to a considerable period in the elections.

499. It is not a matter of course to do it?—I would say not, as far as my experience goes.

500. Independently of the excitement of the election?—Decidedly.

Cross-examined by Mr. *Buchanan.*

501. Do you mean to say that it is not in your recollection that voters have been brought up under protection at contested elections in Mayo?—I do not say that.

502. Do you know yourself that voters have been brought up under protection

in contested elections?—They have been brought into the town under protection, but whether, when they arrived in the town, they have been brought up to the poll under protection, I cannot say; but I know they have been brought up under protection from the country into the town to vote, but I do not recollect the necessity for the protection of the military in the town. The police might have been employed, but I do not recollect the military.

503. Have you not taken a part in a good many contested elections in Mayo?—I have.

504. Do you recollect the election in 1826?—I do.

505. I believe there were military and police to a considerable extent at that election?—I do not know exactly, because the election was terminated in a very short time in 1826, according to my recollection.

506. Do you recollect Colonel MacAlpin's election?—I do.

507. Were there military and police at that election?—Faith I cannot tell at that election.

508. Now, sir, recollect?—I would tell you at once if I could recollect. I voted for Higgins and Moore at that election; and I went all alone by myself over in my own gig there, and from the time I left home until I returned home again there was not a question asked me, because it was perfectly ascertained how I voted.

509. Do you recollect Mr. Mills M'Donald's election?—No; I took no part in his election.

510. You recollect Mr. Joseph M'Donald's election?—I do.

511. Do you recollect the military being at that time in the town and in the county?—I would not venture to charge my recollection with it; they might be, but I shall not say.

512. By the *Committee.*] When was that election; what year was that?—It was previous to 1836; for I think, as well as my recollection serves me, it was at that time that Mr. M'Donald died. It probably might be between 1830 and 1834. I will not venture to say. I know I voted at the election.

513. Mr. *Buchanan.*] Is it not the fact that in every contested election at Mayo the military have been brought into the county, and strong bodies of police?—I cannot well say; it may have been.

514. Then you can neither say whether they were or were not?—Probably they were.

515. But I do not ask probably; I ask the fact, yes or no. You cannot charge your recollection?—No.

516. You do not recollect?—No.

517. Now, we will commence with Sunday; at what hour did you leave home that morning?—I think about 10 o'clock.

518. You met Mr. Isidore Bourke on the way; did you meet him on the way?—I did.

519. Where did you meet him?—I met him upon the short line of road, a new line of road that was made between my house and his. I met him by appointment there. I had a note in the morning from him.

520. Was there any one with him?—There was.

521. Freeholders?—His own tenants were with him, and, I believe, some others.

522. Was there any cheering when he came up to you?—No; I would say no. I do not recollect any.

523. Just recollect for a moment; was there a cheer given when the freeholders came up to you on the road, "Hurrah for Higgins"?—I cannot say whether there was or not; it was not a very loud cheer, if there was; it made no impression upon me.

524. Was there any cheering, or not?—There might be; I cannot say that there was.

525. Was there any cheering upon the road from Mr. Isidore Bourke and his party when they came up to you?—Upon my life I have no recollection; there might be; I will not say whether there was or was not.

526. You do not recollect?—I cannot; I would be more disposed to say there was not, because they were all on one side; there would be no necessity for cheering.

527. Was Mr. Isidore Bourke's son there?—He was.

528. Did you hear him cheer?—No.

529. Now come to Ballinrobe; you say there were a few people upon the wall in that lane?—Yes.

530. You say round about there were a number of people?—There were at either end.

531. Was not one end of the lane stopped up by the military?—Both ends were stopped up by the military, I would say.

532. Is not this yard where the people were a considerable distance down the lane from where the military were?—I would say not.

533. Is it not some 10 or 20 perches?—I think that would be rather too far; it may be 10 perches; it is a very short distance from the main street.

534. That being the state of things, there was nobody nearer to these seven or eight people on the wall than the persons who were outside the military in the main street; you said there were a number of people round about; the learned counsel on the other side asked you the question. Is it not the fact that there were no persons nearer there than the persons in the High-street, outside the lane?—The people that appeared to me to be next the party with whom I was were the people that were either on the wall or inside the wall with the clergyman.

535. I am not talking of those people; I am talking of persons round about; I took down your words, and you said, round about there were a number of people; I ask you whether there were any other people in the lane?—I did not mean to say round about me, because either end of the lane was secured by the military; the attack came from the opposite yard.

536. Then, besides the people in the yard, there was no other person connected with them unless outside the military, at either end?—I would say so; the attack upon the voters came entirely from the wall.

537. I suppose there was a good deal of noise in the lane as you were coming up?—No, I would say not; I would say it was quiet; it had been quiet all the way from Claremorris; we got into the lane, and it was then I heard the uproar, a few perches before.

538. If anybody should say there was considerable noise in the lane at the time, would he say what was correct?—There was noise in the street, and there might have been a great deal of noise in clearing the lane by the military; I saw them on before me, but I was not by at the time.

539. At the time you got up and your party, when you saw Father Conway and the men on the wall, was not there a good deal of noise at that time in the lane?—There had been the excitement of the removal of the people, nothing more; there was noise; decidedly there was noise.

540. Was not there a good deal of noise in the lane at that time?—The lane had been cleared of all but the voters that were coming up, and the people on the wall.

541. I want an answer to my question: was there or was not there any noise in the lane at that time?—None, except what immediately preceded the clearing of it, or accompanied it.

542. You say you heard Mr. Conway speaking?—I did; I heard the clergyman.

543. Do you mean to say that you heard distinctly what Mr. Conway said?—Indeed I did, and said more than once.

544. Did you hear him say anything that day about going to mass?—No.

545. Could he have said it without your catching it?—Before I came up he might.

546. I confine myself to the time you say he was speaking on the wall?—Not in my hearing he did not.

547. Might he have said that without your hearing it?—I am more disposed to say he did not; I did not hear him say it.

548. Might he have said it; did he say it was wrong of those persons not to have gone to mass upon that Sunday, instead of being there?—I did not hear it.

549. You did not hear him say that?—No, the expression that he made use of made a strong impression upon me. I do not recollect his having said so; I will not say he did not say it.

550. Did you hear him say anything of "tampel" in the lane?—No, I do not think he did say it.

551. Are you sure he did not say it?—I am not sure of it, but I do not recollect that he did; I did not hear him.

552. Then if anybody has said that he said the voters would have the curse of

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the "tampel" upon them, would that be correct?—So far as my knowledge goes it would be incorrect; I did not hear it.

553. The word "tampel," I believe, is a building, a chapel, or church; it is the Irish for a building?—I understand it means a church.

554. Or a churchyard; did you hear Mr. Conway make any other observations to the persons about him?—I cannot say that I did, for Mr. Conway got very quickly off the wall, or from the inside of the wall, in consequence of a circumstance that occurred.

555. Was there any particular reason for his getting off the wall?—I think there was.

556. What was the reason?—The stones were coming very rapidly from the wall; they were just opposite me; two of them dropped into the gig in which I was sitting, and Mr. Joseph Bourke, Mr. Isidore Bourke's son, who had been with us, seeing the stones coming, and anxious for his own safety, and that of his father's tenants,——

557. Do not tell us what he was anxious about, you do not know that; but what did he do?—He turned round, and he took a pistol in his hand and presented it right across the wall, and said if any more stones came he would make use of it; and the stones discontinued very quickly.

558. Did he not present the pistol at Mr. Conway?—Nobody could say exactly where he presented it, but he was opposite.

559. Did he not present the pistol at Mr. Conway?—I will not say he did not, but I do not think so, from the position of Mr. Conway and that of the rest of the people that were with him. I think Mr. Conway took the hint, and I think he was quite right; he disappeared; for if the stones had continued coming as they were, I could hardly answer for Mr. Bourke what he would have done; but I know I cautioned Mr. Bourke when I saw them coming: I said, "Take care, be cautious." He was very cool, but still he kept the pistol, if you want the fact, in that position.

560. By the *Committee.*] Did he point it at anybody in particular?—I could not exactly say, for there might have been 6 or 8 people on the wall or inside the wall, I cannot say which.

561. He did not point it directly at the priest?—I will not venture to say that he did or that he did not, because he was in the body opposite.

562. Mr. *Buchanan.*] Do you know who took that pistol from Mr. Bourke afterwards?—No.

563. You were not present?—No, nor do I know that it was taken at all; I do not think it was taken; to tell you the truth, I rather think he kept it for self-defence.

564. You say on Monday the town was in a state of ferment; I hope you heard Mr. Conway more distinctly than you hear me?—I hear you well enough, but Mr. Conway did not speak in a playhouse whisper at all, it was intended to be heard, and it was so.

565. Are you aware that Monday is the market-day at Ballinrobe?—I am.

566. Is it not the fact that there is always a very large market at Ballinrobe?—I believe so; I believe it is a large market at Ballinrobe.

567. The town being generally very largely thronged?—I believe so.

568. I believe I may tax your recollection further to this extent, that, during elections, people generally come in to look at the fun, is not that the fact?—In faith, I did not see any fun in it; to tell you the truth, I know there was no fun upon this occasion.

569. Do the lower class come in on these occasions?—I dare say they do, particularly in our country.

570. Is it not the fact, that, in our country, the lower classes do consider an election great fun?—I believe so.

571. Do not say "I believe," but is it not the fact?—I do not know whether it is the fact or not, that is my understanding of it.

572. Then there was nothing wonderful in a number of people being in the town both on the Monday and the Tuesday?—I could not say it was anything very extraordinary.

573. You said it appeared to you that the man was on Mr. Moore's side?—It did.

574. Do you happen to know if there was a third candidate at all at that election?—I do.

575. Who

575. Who was he?—Captain Palmer.

576. Can you say whether there was any little excitement about Captain Palmer?—Indeed, I do not think there was, because I believe his name was scarcely known to the freeholders.

577. Did not he head the poll?—He might.

578. At the election?—He did so I heard.

579. Do you mean to say there was no excitement about Captain Palmer?—I did not hear any.

580. You did not?—No.

581. In fact, I believe you heard nothing but what you heard in the hotel from Mr. Rutlidge; you kept inside of the hotel?—I heard a good deal more than what I heard upon that occasion.

582. Your evidence to the Committee is, that you were not outside the door during the Monday and Tuesday; I rather think you took care of yourself inside?—On Tuesday I left Ballinrobe.

583. On Sunday and Monday you were there?—On Monday I was there.

584. You were in the Claremorris Barony booth?—Yes, I was.

585. Did you see any voters come to poll while you were there?—To be sure I did.

586. Did you not see those men come up without protection?—Indeed I did. The people were without protection when they came within the booth; but my belief is, that they did not come to the steps of the booth without protection.

587. That is your belief. I do not want your belief upon a matter of fact; I want what you saw in the booth?—In the booth there was no excitement; there was a capital officer, and he took very good care to keep good order; there was no protection wanting at all in the booth.

588. Are you aware how these men of Mr. Isidore Bourke's voted?—I am.

589. How did they vote?—For Colonel Higgins.

590. Every man of them?—Every man of them, I should say, without any mistake.

591. Every man of them, without any mistake?—Without any mistake.

592. Then the effect of what you called Mr. Conway's intimidation upon these men was, that every man of them voted for Colonel Higgins; is that the fact?—It was: I told you that several of them were disgusted with the conduct that had been pursued.

593. And it really had no effect upon them?—A counteracting effect as regards some of them.

594. A counteracting effect, for they voted for Colonel Higgins?—Exactly; a counteracting effect, for they voted for Colonel Higgins.

595. By the *Committee.*] Every man that accompanied Mr. Bourke voted for Colonel Higgins?—Yes, every man that accompanied him voted for Colonel Higgins.

596. Mr. *Buchanan.*] Every man that came with Mr. Bourke voted for Colonel Higgins?—Yes.

597. Did not they plump for him?—They did.

598. That is what you call intimidation?—Intimidation and disgust are two very different things; I think they may approach and be closely connected.

599. You saw a Roman-catholic clergyman in the town on the Monday, you tell me; did you happen to see any Protestant clergymen?—I did; I saw a Protestant clergyman who told me he voted: I think it was before he voted that I saw him.

600. I suppose you have heard that Mr. Conway is the curate of Ballinrobe?—I believe so.

601. Are you not aware that he has a residence just by the new chapel of Ballinrobe?—I am not aware.

602. Do you know where the new chapel is?—Yes.

603. Did you observe a house at that chapel?—I cannot say; I used to be there some years back.

604. Can you tell me who presided in the Claremorris booth?—Mr. Jennings.

605. Is that Mr. Benjamin W. Jennings, of Mount Jennings?—I do not know exactly what his other name is, but I know he is son to Mr. Benjamin Jennings.

606. Do you know Mr. Jennings who was in the booth?—I do.

 607. Are

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607. Are you aware that he was a supporter of Colonel Higgins?—I heard he was.

608. Did you hear that he was upon his committee?—I cannot say I did.

609. Will you take that list in your hands (*handing the same to the Witness*)?—I cannot say I did.

610. Will you look at the crosses in the left hand margin?—The second is Benjamin W. Jennings.

611. Mr. *O'Malley.*] Do you know anything of that list?—No.

612. Mr. *Buchanan.*] Is that the gentleman who presided in the booth?—I cannot say that it is, because I believe that is his father's name, whether it is his own name or not; I do not know whether that name applies to the father or the son.

613. Do you know who presided in the other booth?—Not of my own knowledge; I heard that Mr. Sharkey did; I heard his name.

614. By the *Committee.*] But you were not in the other booth at all; you cannot speak to that?—No.

Re-examined by Mr. *O'Malley.*

615. You were asked about previous elections, and you told us of one somewhere about as far back as 1836; how long is it since the priests took to interpose in the elections?—I would have said it was in 1826, if that was the period of Lord Lucan's election.

616. You say that when you came up, I understand you before the cavalcade came up, the military, a portion of the military went on and cleared the lane?—Yes; they were in advance

617. They cleared the lane?—So I would say; yes.

618. And then, when they had cleared the lane, they stopped up both ends by the escort?—That is my impression.

619. So that, whatever the noise in the lane might be before it was cleared, and while it was clearing, at the time when you were in the lane, and both ends stopped up, you say there was not much noise in the lane itself?—No; not when I came up.

620. You were also asked with respect to the words which were uttered by Mr. Conway; is there much difference in point of substance between the curse of the chapel and the curse of the congregation in the chapel; what would be the meaning of the curse of the chapel, or the curse of the church?—I do not like to be entering into that.

621. It would not mean the curse of the building, the stone?—No, it would mean the united curse of the congregation, of the whole flock; the body in the chapel.

622. So that the words would be identical in meaning, the curse of the church, or the curse of the congregation?—I would apprehend the one would be as much as the other.

623. You say that those words which you heard were repeated frequently by the priest?—Certainly.

624. You were asked about stones; you say that before Mr. Isidore Bourke, young Mr. Bourke, whatever his name is——?—Joseph.

625. Before Mr. Joseph Bourke interposed there were several stones thrown?—They were flinging constantly.

626. Do you remember whether those stones followed rapidly after the first utterance of those Irish words which he used?—I would say they accompanied them.

627. Your carriage was struck?—It was.

628. Did you see the horses taken by the head?—I cannot say; I cannot well say that. They were brought into Monaghan's yard, and of course they must have been taken by the head.

629. But did you see any part of the mob interpose?—I cannot well tell you, because the people that were on horseback that accompanied the voters; there were a party, several of the voters were on horseback, others were in cars, and coming on; the party on horseback, as well as my recollection serves me, were in advance, and I do not know whether their horses might have been seized or not.

630. By the *Committee.*] You did not personally head the procession?—No; mine might have been the third or fourth vehicle in the procession.

631. Mr.

631. Mr. *O'Malley.*] Did you see an effort made to pull Mr. Joseph Bourke off his horse?—I will not venture to say that; I rather think I did; but I will not be positive.

632. My learned friend says, you said there were no people in the lane, and wishes to know how he could have been pulled off his horse; was the wall very high?—Probably eight or nine feet high.

633. Did any of the people get into the lane?—Not that I could perceive.

634. Where were the people that pulled Mr. Bourke off his horse?—They must have been in the lane, decidedly; whether they came out of Monaghan's yard, or came off the wall, I cannot say.

635. You told us a pistol was presented, and Mr. Conway took the hint?—I did; and all the people that were with him took the hint.

636. Did it appear to you that a hint to Mr. Conway was enough for the mob?—Yes.

637. You were asked if there is a market on Monday; is there any market on Sunday there?—No.

638. Or on Tuesday?—No.

639. There is no Tuesday market at Ballinrobe?—No; I never heard of it.

640. At what hour did you go away on Tuesday morning?—Early in the morning; I would say about eight o'clock.

641. Were you escorted home?—I was.

642. Was the town in a state of ferment then?—I did not go into the town; is it Ballinrobe you mean?

643. Ballinrobe.—They were beginning then to collect; there had been a very, very heavy fall of rain on the Tuesday morning,

644. Did it appear to you that it was necessary to have an escort for your safety out, then?—I have not a doubt at all about it.

645. Those voters that went with you, where were they taken to; you said you had a considerable escort when you went in?—They were taken into Monaghan's Hotel.

646. You told us that you had a very considerable escort, and that the priest, Mr. Conway, took the hint?—Yes.

647. Did they remain at Monaghan's Hotel at the time of the election; the voters?—They did, I believe.

648. And very good care was taken of them until they got up to the booths?—I would say so; it appeared to me so.

649. Was there any means taken, do you remember, to secure their going up safely?—There was a party——

Mr. *Buchanan* objected that this did not arise out of the cross-examination.

Mr. *O'Malley* stated, that it arose out of the cross-examination with regard to the manner in which the persons brought in with the escort voted.

The *Chairman* stated, that the Committee were of opinion that the question properly arose out of the cross-examination.

650. During the time the voters were in the hotel at Monaghan's, I understand from you the hotel itself was well guarded?—I believe it was.

651. With police?—I believe it was; I believe there were constabulary.

Mr. *Buchanan* objected to the course of re-examination.

652. By the *Committee.*] Did you say it was quiet all the way from Claremorris to Ballinrobe?—From Claremorris it was; but there was a scene in Claremorris that I took no part in; but from the time we left Claremorris until I got to Ballinrobe, it was quiet; it was only in the lane I saw it.

653. Mr. *Buchanan.*] You have been asked if there is a market on Sunday and Tuesday; do you know where the chapel of Ballinrobe is; it is outside the town on the Westport road, is it not?—That is the old chapel.

654. The people coming into Ballinrobe in that direction, should they not pass by Monaghan's Hotel going to mass, to go to that chapel?—I believe so.

655. By the *Committee.*] What is the Irish word for "church"?—"Tampel."

656. What is the Irish word for "flock"?—"Poppel."

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657. Do you think there is such a resemblance between the two words in pronunciation as would lead any man listening to confound one with the other?—I do not think anybody that understands Irish could confound them.

658. Did you hear the word "million" used?—No.

[The Witness withdrew.

Joseph Bourke, Esq., was called in; and, having been sworn, was Examined by Mr. *O'Malley*, as follows:

J. Bourke, Esq.

659. YOU are the son of Isidore Bourke, of Conaghleagh?—Yes.

660. Are there several of your father's tenantry who are voters for the county Mayo?—Yes.

661. Did your father give his support to Colonel Higgins?—He did.

662. Did you collect the voters, or assist in collecting voters, upon the 5th of April for the purpose of taking them up?—On the Saturday I assisted in collecting them.

663. And on the 5th, did you accompany them?—On the Sunday morning I did.

664. On the Sunday, was Mr. Rutlidge in command of the escort, the magistrate?—He was with them in Clare; I believe he was in command of them into Ballinrobe, and there was another magistrate in Clare along with him.

665. Who was that?—Mr. Farrell.

666. Did you apply, or your father, for the escort?—We applied a few days before that, in committee, for it.

667. For the escort?—Yes.

668. Do you think you could have got the voters up without it?—No.

669. They would not have come?—We could not have brought them.

670. Do you think they would have come up without the escort?—They might have been anxious to come, but some of them would not come.

671. Do you know, from communication with them, that they would not have come without the escort?—

Mr. *Buchanan* objected to the question.

672. Mr. *O'Malley*.] When was it; before or after you had gone to Ballinrobe?—Before.

673. Did you apply to the voters to go to Ballinrobe?—I did.

674. Did they refuse to go without an escort?—Some of them stated they were afraid they would be beaten severely unless they had an escort; they said that they were afraid to go; and when I promised they would be protected by a large military and police force, they then said they were quite ready to go.

675. Before we get to that, were you present at the chapel of Claremorris on Sunday the 29th of March?—No, but I was in Claremorris on a Thursday about that time; it was some holiday, the 25th of March, I think.

676. Were you at chapel?—I was.

677. Who is the parish priest?—The Reverend Peter Reynolds.

678. By the *Committee*.] At Claremorris?—At Claremorris.

679. Mr. *O'Malley*.] At the chapel?—Yes.

680. You say you attended there?—Yes.

681. Was Mr. Reynolds there?—He was; he officiated.

682. Did you hear him address the people assembled?—He did.

683. I do not want you to tell us all he said, but did you hear him address them with reference to the coming election?—I did; he called upon them to assemble on the Sunday following at the chapel, where they were to consult about it.

684. To consult about the election?—Yes.

684.* Did he say anything as to the candidates?—He did; he advised them to vote for the two present members, and not to vote for Colonel Higgins, stating he was a pledge-breaker.

685. You say he advised them; do you know the difference between advising and ordering?—I think so.

686. Which do you think it was, advising or ordering?—He spoke in very strong language to them, gave his advice in very strong terms.

687. Were there any ifs in it?—There were not.

688. He did not say what would happen if they did?—No.

689. By

689. By the *Committee.*] Did he speak in Irish?—He spoke in English.

690. Mr. *O'Malley.*] Did you attend again on the 29th, on the Sunday?—No; I was in Mace Chapel on that day.

691. How far is that from Claremorris?—Somewhere about two miles.

692. Who was the priest there?—The curate, Mr. O'Donnell.

693. Did he address the congregation on the subject of the election?—He did, after mass.

694. What did he say?—He told the people, spoke to them of the coming election; and stated that four bishops had signed a placard or a proclamation against one of the candidates who was to stand, and he had never heard of such a thing in his life before, and he must be a very bad man or they would not do it; he told the people that he hoped that any of them that went to Ballinrobe would get safe back; that there was a very bad feeling out against Colonel Higgins's supporters, but, however, he hoped they would return home safe.

695. This was before you set out on the 5th of April?—The Sunday previous to that.

696. Did you go with the voters to Ballinrobe?—Yes.

697. As you went out of the town, or while you were in Claremorris, was there an attack upon you?—Yes, we were pelted down the town; the police had to follow us, and some of the party got out first; the dragoons remained in the town for to bring up the remainder; there were some cars and a large van; the party that got on first stopped a few hundred yards beyond the bridge; the mob chased us down the town, and the police had to run down and fix bayonets across the bridge to prevent them following us. I know they had their arms at the time they formed in line across the bridge; it appeared so to me.

698. By the *Committee.*] Had you any infantry besides the police?—Not then; we had none but cavalry and the police of the town, a few of them.

699. Mr. *O'Malley.*] Did you see any one struck?—I was struck myself.

700. What were you struck with?—Struck with a stone; I was struck just on the shoulder; I was galloping very fast or I should have been hurt by it; the stone came after me.

701. Did you see any one else struck; do you know a man of the name of Cummins?—He was after me.

702. Did you see Cummins at all afterwards?—I did not; but I know that he did not come into Ballinrobe.

703. He started with you?—No, he did not; I went down the town with my father's men; my father and I went down with our men, and they were to come on after us.

704. Was Cummins one of those who was to come on after?—He was.

705. Did he come on?—I did not see him.

706. He did not come to Ballinrobe?—No.

707. Did you see him afterwards?—No.

708. I think you said, in answer to one of the Committee, that at first you had police only?—We had police in Claremorris. I think there were some 8 or 10 police, and there were also 16 dragoons in the escort.

709. Did you see from what direction the mob came?—They came down the town after us; they came out of the houses, the people did; some of them came after us when we were passing one of the chapel gates; we were pelted, and there were some gutter things thrown at us.

710. You say you passed the chapel gate?—There are two gates.

711. You were pelted with mud from the chapel gates?—The chapel is a distance beyond. We wanted to pass them, to avoid the flock.

712. After you passed the first place, where you were pelted from the chapel gate, did you pass the other chapel gate?—No; but we went into a square in the town. There was a lane leading from that down to the chapel, and a large mob collected; I cannot exactly say from where, but they got all round us, and they got out in the main street before us.

713. You cannot say where they came from?—Not at all; we were glad to get off as quickly as we could.

714. Who was with you, can you tell us; was Mr. Walter Bourke?—Yes; my uncle, he was; but he came down also just immediately after us.

715. He had a cavalry escort, had he not?—I believe he was with the cavalry; I cannot exactly say. No, he came down again, when we got down first, the mounted men (all our men nearly were mounted), we got down, and Mr. Bourke

came down immediately afterwards; and then the mob came after him, and the police mounted on the bridge; and then the rest of the voters came down with the cavalry.

716. Then, did the police form behind Mr. Bourke, between him and the mob?—They did.

717. Before you arrived at Ballinrobe, were you met by another body of police, or military escort?—We were; we came in with an escort, but they took a round to Ballinrobe. We intended to have gone the short line by Carrowmore, but we were told there was a mob to meet us.

718. Hearing there was a mob to meet you, you took a round?—Yes.

719. And you sent in for further escort?—Sent in for further escort; I think we got 58 infantry, and I think some 20 or 30 police; they met us about a mile outside the town.

720. Nothing occurred, I believe, until you got to the lane?—Nothing occurred till we got to the lane.

721. Were you in front in the lane?—I was; I rode in front going into the lane, and my father rode with me.

722. With the dragoons?—With the dragoons; we were about a yard in front of the dragoons. The way we were formed, getting into the lane, was this: I think we had five or six dragoons in front in the lane; then all the mounted voters rode in close after them; we had two or three dragoons after them, and behind those again the cars came, and the infantry came next the cars, and then the balance of dragoons and police came up in the rear.

723. You had an opportunity, therefore, as you came up in front of seeing how the lane was circumstanced before your cavalcade got in?—Yes, we got into the lane.

724. Before you got into the lane, how was the lane occupied when you came up?—When we came into the lane, there appeared to be no person in it at all scarcely; we came in at the bottom part of it, and rode up the lane; we just got up to the top of it, and a large mob came running in with the priest, with Mr. Conway. If you just allow me to draw the lane on paper, I might explain it better.

725. By the *Committee.*] You call it a lane; was it wide?—From about here to the wall in width, not much larger; it would allow of a jaunting car or one-horse cart, and a couple of men to walk by the side of it.

726. Not more than that?—Not more than that. (*The Witness drew a Diagram of the Lane.*)

727. Mr. *O'Malley.*] You say as you got in the mob came in?—The mob came down just here, at the top of the lane.

728. What would you say in round numbers?—It was all crowded, and the whole street across opposite; the street, I dare say, is about three times the width of this room across outside the lane, and it was all black with heads.

729. At what hour was this you got there?—It was about four or five o'clock.

730. You say it was led by Mr. Conway?—Mr. Conway was at the head of them.

731. Did they continue to advance?—They did, but the dragoons got up in front, and they did not allow them to get into the lane more than 20 yards, I think, or scarcely 20 yards. There was a gateway here which we were to get into; there was a good way for us.

732. That gateway was the gateway of Monnigan's Hotel?—Yes.

733. Did the mob come down below?—

Mr. *Karslake* objected that the question was leading.

734. Mr. *O'Malley.*] Did the mob come down to Monnigan's gate before the military arrived there?—No, they did not.

735. I want to ascertain exactly the position in the lane in which the mob was and the military, and I understand you to say that the military had got up in front of Monnigan's gate unmolested?—Unmolested.

736. Was it shortly beyond that that the two currents met?—Quite so; perhaps this length from the fireplace there.

737. The military, you say, kept them from coming up; did the mob retreat?—No, they kept quite up to them, and then the military came forward; they were behind; they formed in the lane, and then that kept them back; that kept the mob from getting on us. However, some of them had got mixed along with the men who were mounted; and as they were trying to get into Monnigan's yard they

they tried to pull them off their horses, and one of my men was riding a mule, and he was pulled right down to the saddle bow; there were two men pulling him off, and I was riding a very spirited mare, and I spurred her in time to save my own man; I got him by the collar and pulled him into the saddle.

738. By the *Committee.*] Whom do you mean by him?—One of the voters; a man of the name of Michael Kane.

739. They did not try to pull the soldiers off?—No.

740. Mr. *O'Malley.*] You say that they passed through the soldiers?—Not exactly through the soldiers; but when we were turning into the bottom of the lane, some of the men got mixed with us; about 20.

741. You say that when first the current of the mob met you coming down the lane, Peter Conway was at their head?—Yes.

742. Did you see what became of him afterwards?—Not for a few minutes, on account of this barrier; on account of the attack on my own man; and when I got my man off I was attacked myself; my horse was seized by two or three men, and they endeavoured either to pull me off my horse or pull me into Gilder's yard, which belonged to the opposite party.

743. Did that lead into the other hotel?—The lane led into both yards.

744. By the *Committee.*] Was there a gate into Gilder's yard?—There was.

745. Mr. *O'Malley.*] Is it Gilder's or Gildea's?—I am not exactly sure, but it is on the opposite side of the lane.

746. By the *Committee.*] Was Mr. Conway on horseback or on foot?—At that time he was on foot.

747. Mr. *O'Malley.*] You say there was an attempt made to pull you off; how soon after that did you see Mr. Conway?—When the man attacked me, one of the dragoons drew his sword and made a slash at one of the fellows, and they let me go. All the mounted men got in, and I rode into the yard myself and jumped off; and I stood at the yard gate, and I put up my hand and called to the men who were on the cars, "Come on with the cars now."

748. Were the voters on the cars then?—The voters were on the cars then; the police were down below them, again, on the lane, and there was more mob below, who, I believe, could not get up.

749. The Irish police are regularly armed men, like the military?—They are like the French gens-d'armerie.

750. You say they formed behind you, to give an entrance?—They did.

751. You were just telling how you called out to the cars to come up?—I called out to the cars to come up, and as I did so I saw a rush of some men from the opposite hotel, Gildea's.

752. Do you mean of your men?—No, some men from the mob.

753. Into Gildea's yard?—Yes; and immediately after that Peter Conway appeared on the wall, and some eight or ten men and boys with him.

754. Was that the wall separating the lane from Gildea's Hotel?—It was the yard wall of Gildea's Hotel, forming one of the walls of the lane.

755. It was the wall that separated Gildea's Hotel from the lane?—Yes, it separated his yard.

756. You saw Peter Conway, you say?—Yes; he got on the wall.

757. And seven or eight men?—And seven or eight men; and he took his hat off, and he began to speak, to say something, and there were stones thrown.

758. He spoke in the Irish language?—He did.

759. You do not understand that?—I do not. There were several stones thrown.

760. What position was he in on the wall?—He was on his knees.

761. Kneeling?—Kneeling.

762. You say several stones were thrown?—Several stones were thrown; they were stones that were taken off the wall; they pulled them off the wall from under their feet, and flung them down.

763. Did you see stones thrown out of the yard?—I do not know; they came from the party on the wall; and at last I saw the priest put his hand to a stone; and then, when he did so, I had a case of pistols in a courier bag, and I bent down and took them out.

764. Do I understand you to say that you saw Mr. Conway put his hand to a stone?—I did.

765. About to lift it?—Yes.

766. By the *Committee.*] Did you see him throw it?—No.

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767. Mr. *O'Malley.*] You say you immediately drew your pistols?—When I saw him put his hand down, I bent down to the small courier bag I carried with a case of pistols in it; I opened it, and took out one of the pistols, and presented it at the priest. The words I used were, "By God, the first man that threw a stone, I would blow his brains out."

768. I suppose you did it a little more quickly than you have described it?—I did; but all the infantry were above me, and kept the mob off, or I could not have done it.

769. What was the effect of it?—The effect of it was, his reverence got off the wall, and it was cleared; the cars then began to come up, and the men were so frightened they jumped off them, and the drivers (the lane is narrow), they were popping into the yard; and on jaunting cars there is a step, and the seat hangs, and it stuck in the gateway. I had to take each of the horses and back it into the lane, and get it round in front, and all the time keep my pistol at the people overhead; and every now and then a man's head would pop up over the wall, and it would pop down again as quick.

770. As long as the hint lasted the heads went down?—They did.

771. By the *Committee.*] Have you any idea of the height of the ground on the opposite side of the wall?—Not the slightest; but I saw the gate open, and it appeared to be a level yard.

772. Did you poll all your men, or did you lose any?—I polled all my men.

773. You did not lose one?—I polled all; we polled 36.

774. Mr. *O'Malley.*] You were guarded on one side by the military, and the police on the other, and you got them all into the hotel?—I did. Father Conway, after he got off the wall, mounted his horse in the lane; and Mr. Arabin, the stipendiary magistrate, came up; and Mr. Conway complained of my having aimed a pistol at him.

775. Mr. *Karslake.*] Did you hear him?—I did; I was present; and Mr. Arabin asked me for them, and I gave them up to him, stating I had done what I wanted, I had got the men safe; I did not want them any more; it was his business to protect them then.

776. By the *Committee.*] What was the height of this wall?—The wall was about as high as the top of the door, if the pinnacle was off.

777. If the ground inside was quite down to the bottom of the wall they must have been on steps?—I do not know; they appeared quite over the wall; I could see them to the knees up fully.

778. Mr. *O'Malley.*] It is a hotel yard, where there are cars and so on?—I believe so.

779. Mr. *Karslake.*] Do you know?—I do not; all I know is, that I saw them so.

780. Mr. *O'Malley.*] All you know is, you saw the heads?—I saw the heads and bodies; and then afterwards I saw the heads, when I had the persuader up for them.

781. Did you remain until your father's voters polled in the town?—I remained in the hotel the whole of that night, and went down next day to the booth with them; we had to get an escort down.

782. Did you guard the hotel while you were there?—The police guarded it; but I remained there also.

783. Were they escorted to the booth?—They were. On Sunday night there were some stones thrown into the yard of the hotel; I was in it; there were some small stones thrown in.

784. Was there on the Monday a mob collected?—There was; the street was full of men. But I must tell you there were two yards at Monnigan's Hotel, and our horses were put into the lower yard on Sunday night; we had come 18 miles, and some of those horses did not get a bit or sup until Tuesday morning; we could not get to them; the men were afraid to go down.

785. Do you mean to say the horses were left without food?—They were left in the open air in the yard; as to a few of them, some of the parties got down very early in the morning on Monday, about daybreak, and fed their horses, and gave them some water; but the majority of the horses got nothing at all.

786. You do not seem to be of slack nerves yourself; do you mean to tell the Committee that the state of the mob was such as to render it imprudent for any one to go out?—It was; there was no use in exposing one's head to a stone when you were safe inside the gate; we got enough of it outside.

787. You

787. You say that the streets were full; did it appear to you to be an angry mob?—Most excited; all the men had sticks almost.

788. Did you hear any cries?—I did.

789. What were they?—I cannot exactly say what they were; but I could not show my face at the hotel door without a regular groaning all through the street; I could not go out for a moment without a regular escort of police.

790. Was there anything to direct you as to which side the mob were for?—The mob appeared to be against me and those who were with me; I saw several of the opposite party among them, and they were not hooted or shouted; parties who voted for the other two candidates, and they were not shouted; the mob, in fact, cheered some of them.

791. There was no mistake as to which side the mob were for?—Not the slightest.

792. Did you see the priest, Mr. Conway, any more?—I did, I saw him in the Kilmaine booth, he shook his fist into a voter's face there; I saw him and another priest talking to a voter on the head of the steps going into the booth; I was standing inside the booth at the time, and another party came up. I forget his name exactly now, and I called out to him, that is not fair treatment; and the Rev. Mr. Conway turned round, and he shook his fist into the man's face just up to his nose, and he went off.

793. Did you see how that man voted after?—I did not, but he did not look at all comfortable.

794. By the *Committee*.] Did you hear Mr. Conway speak to him?—No.

795. Was the man a voter?—I believe he was, I heard he was.

796. You do not know it yourself?—No.

797. Mr. *O'Malley*.] Your voters voted at the Claremorris booth?—Yes.

798. Were there any priests there?—There were.

799. What were they doing?—They were making themselves very active in and out, and one priest, the Rev. Mr. Barrett, he told a man of the name of ——

800. Mr. *Buchanan*.] Did you hear it?—I did; I just want to remember the man's name.

801. Mr. *O'Malley*.] Do you know the man?—I do.

802. Was he a voter?—He was.

803. What did he say to him?—He told him to take care what he did.

804. My learned friend says, "Paddy, take care what ye do"?—Not at all, but "Take care what you do, sir."

805. You say he was active, what was he active in, getting up the voters?—They were very active going in and out, settling the voters, and getting them up to the poll, very active.

806. By the *Committee*.] This was in Ballinrobe?—It was.

807. Mr. *O'Malley*.] Was Mr. Reynolds in that booth or any other?—He was in the Claremorris booth.

808. Was he one of those whom you saw actively engaged there?—I saw him going about through them, but he held his tongue.

809. Do you remember after some voters voted, hearing him say anything?—I was not present.

810. Were you often in the Killmaine booth?—Two or three times.

811. You say that you saw Mr. Conway at the head of the steps; did you see any other priest there?—I saw another priest with him.

812. Do you know his name?—I forget.

813. Where was he?—Standing on the steps with him.

814. Did you see either of them in the booth afterwards?—I went out immediately after.

Cross-examined by Mr. *Buchanan*.

815. I believe you took rather an active part in Colonel Higgins's canvass at this election?—Not in his canvass exactly.

816. Did you take an active part in canvassing for him?—Well, I asked one friend of mine to vote for him, and he did not afterwards.

817. Do you know anything of a provisional committee having been formed in Castlebar?—What do you mean by that, a "provisional committee?" We had a general committee and a committee in each barony.

818. Do you know that (*handing a paper to the Witness*)?—I am quite aware of that.

819. Did that advertisement appear in the "Mayo Constitution"?—It did.

820. This is "Mayo Election Provisional Committee, to ensure the return of Colonel Higgins." Can you tell who the gentleman who is the second on that is?—"Joseph Bourke."

821. Are you the man?—I am the man; at least I believe so; it is intended for me.

822. The first name in this is "the Very Reverend Dean Bourke?"—Yes.

823. By the *Committee.*] Is that your father?—No, he is a Catholic clergyman.

824. Is your father's name "Joseph"?—No, "Isadore" is his name; he is a Crown prosecutor in Ireland.

825. Mr. *Buchanan.*] Dean Bourke, I believe, was the seconder of Colonel Higgins at the hustings?—Yes; and they would scarcely let him speak, they groaned him and yelled him so much.

826. How long was he speaking?—He was speaking for a long time; at last, he declared that if they did not hear him finish, he would keep them three hours more; then they held their tongues for five minutes and let him finish.

827. I believe he did get a hearing?—Rather a broken hearing; he was on his legs for some time.

828. You said that the magistrate, Mr. Rutlidge, met you in Claremorris?—Yes.

829. And another magistrate?—Mr. Nolan Farrell.

830. Was not there Mr. Walter Bourke?—Yes.

831. Did not he meet you?—No; he met us outside Clare and came in along with us. We met an escort of police outside Claremorris, and Mr. Bourke came in with them and with us, and Mr. Farrell also. I made a mistake; we met him outside Claremorris.

832. I believe that Mr. Bourke is your uncle?—My grand uncle.

833. Is he the gentleman whose name is on this provisional committee, "Walter Bourke, J.P., Old Town"?—Yes.

834. And Mr. Farrell?—Yes, he is on that committee also.

835. "John Nolan Farrell, J.P., Log Boy"?—Yes.

836. The other gentleman, the magistrate, "David W. Rutlidge, J.P., Barber Fort?"—Yes.

837. Do you know that Mr. Rutlidge had a deputation from the sheriff?—No.

838. Do you know that your uncle, Mr. Bourke, had a deputation from the sheriff?—I heard he had, but I am not aware of it of my own knowledge.

839. Did you hear it from himself?—No.

840. Did he act as a deputed magistrate?—No; he did nothing with regard to the military or police at all upon that day.

841. Did he at any time during the election?—He went out on the second day to Cornfield with an escort to bring in some voters, and he told me he was pelted for two miles coming back.

842. He went out with dragoons?—He did; he had six dragoons. I did not see him going out. I only tell you what was told me; he had six dragoons. I know I saw him come in with the men, and I saw him covered from head to foot with gutter, and the police that were with him; they came up into the booth with the voters. Oh! I forgot; as Mr. Bourke came up the steps of the booth with those voters, I think there were either two or three; Mr. Tom Rutlidge, of Cornfield, was along with them; some priests, I think Mr. Conway was one of them, I cannot quite remember, met them on the top of the steps.

Mr. *Buchanan* objected that the witness was not answering his question.

843. Finish your explanation?—All I know of the deputation is seeing him come into the booth with the police and freeholders. I heard he went out with the dragoons and police, and came back with them; but I saw him come into the booth with them. The police were covered with gutter, that is mud; they told me they were pelted with stones, and their arms and accoutrements were all dirtied and knocked about, and they had to force their way into the booth.

844. You heard this?—I saw that they had to force their way. Mr. Tom Rutlidge had to catch one of the priests, and drag him back into the booth to allow the men to come in.

845. What sort of weather was it?—It was rather warm weather.

846. Was not it a wet day?—No, not that day; the next day there was wet.

847. Do you say Monday was not a wet day?—No.

848. Tuesday?—We had a little rain; but Wednesday was a very wet day; we had particularly fine weather just before that election.

849. Now to commence at Claremorris; you said you were present when Dean Bourke was seconding Colonel Higgins?—I was.

850. He was imperfectly heard?—Yes.

851. Did you hear him commenting upon the extermination and evictions upon Sir Roger Palmer's property?—I did; and I heard Mr. Palmer excusing it afterwards, stating that he should act differently in future.

852. You have told the Committee that you came with the voters three miles round?—Yes.

853. Do you remember meeting Mr. Prendergast that morning?—I do. I met him at Ballygowan, his own place.

854. Was he before you on the road?—He was.

855. And you gave him a cheer as he came up?—I do not know that; we were all in very good spirits at the time; the lot of us together.

856. Did you not say, "Hurrah for Higgins"?—I do not remember.

857. Do you remember saying to Mr. Prendergast, "I am glad to see you. I was afraid you would not be here"?—No, I remember nothing of that at all.

858. Do you remember giving him a cheer?—No, I do not remember giving him a cheer; the men might have shouted.

859. You had intended to go round by Carrowmore?—Yes.

860. That would have been three miles round?—No; three miles shorter.

861. You told the Committee you heard Mr. Reynolds call upon the people on Lady-day, the 25th of March?—Yes.

862. To meet on the Sunday following at the chapel?—Yes.

863. Did you believe there would be a meeting there on that day?—I did.

864. Tell the Committee how it was that you, believing that there would be a meeting of persons at that chapel, chose to bring your freeholders by the gate of that chapel, instead of going round by Carrowmore?—That was not the Sunday. I will explain that if you wish. It was on the Sunday exactly following the 25th March that he wished to have the people there; and it was the Sunday following, which was the Sunday exactly previous to the poll, that we went on.

865. I understood you to mean that Sunday?—Not at all; it was the Sunday week previous.

866. At least you were certain of this, that the people would be at mass there when you were passing by?—Yes; they were at mass in Crossboyne.

867. That is beyond Claremorris?—That is beyond Claremorris.

868. You were aware they would be at mass at Claremorris?—Yes; we went at mass-time.

869. And notwithstanding that, you chose to pass through the town of Claremorris, three miles further round?—No; you are exactly wrong; the town of Claremorris was exactly our way to Ballinrobe; but in leaving the town of Claremorris we went by Crossboyne round a long way, that we might not go by the shorter way, Carrowmore, where the mob was to meet us.

870. As you went into the town was there no cheering by any party?—There was some shouting just at the gate. I was quite in front of the party.

871. But was there no cheering upon your party going into Claremorris?—No. I believe, just going out there was some shout; I did not hear what it was; there was some shout. I was a little down the town, in front of the men. There was a shout in the lane; immediately after, the stones came.

872. Were you in such a position with regard to your party, passing through Claremorris, that you can take upon yourself to swear positively that there was no cheering or shouting upon the part of your people?—No; I was in such a position, that I could hear those who were near me. They did not shout; but others could have shouted. They were back in the square, and I was in the main street; they were coming out at the back, defiling out of the square.

873. Did you hear that coming party cheer the party in which you were?—No; I was quite in front of them, 40 yards in front of them at the time.

874. They might have cheered without your hearing them?—They might have; however, Mr. Prendergast was along with them at the time.

875. Did you hear no cheering as you passed through the town, "Hurrah for Colonel Higgins"?—I do not remember.

 876. Come,

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876. Come, try?—I do not recollect.

877. Just tax your memory again; you have a very perfect recollection of other parts of the case; I ask you upon your oath, did you hear any part of the people in passing through Claremorris, cheer or shout "Hurrah for Higgins"?—(*After a pause*), There was some shout, but I cannot exactly say what it was.

878. Will you say that the name of Higgins was not in that shout?—I will not.

879. Will you say it was?—I will not.

880. You will say neither one thing nor the other?—I am perfectly sure, if my men shouted, it was for him they shouted; perfectly sure of that, because they would not go and shout for anybody else. But I know there was one gentleman with us, who on the contrary shouted for "Moore," to try and get us through; I did not hear him, but he told me so.

881. Now to come to the transaction in the lane; you saw Mr. Conway standing on the wall with those people?—I did, kneeling on the wall.

882. You saw him stoop, you say?—He was kneeling on the wall, and he put his hand down under him.

883. And you venture to add to that, that he stooped for the purpose of taking up a stone?—I saw his hand on the stone.

884. Do you swear that he put down his hand for the purpose of taking up a stone?—I only say what I saw him do; I saw the stone moved out of the wall; I did not see him lift it up.

885. Do you mean to say that Mr. Conway stooped down on the wall and nipped that stone out, and took it up in his hand?—Moved the stone up to the level, as nearly as I can recollect.

886. What sort of stone was it, a small or a large stone?—One of the building stones on the wall.

887. There are great big stones on a wall; was it a large stone of 10 lbs., or 12 lbs., or 20 lbs., or what?—One of the usual stones found in a wall.

888. But I have seen stones of 3 cwt. in a wall?—There are a very few stones of that weight put on a stone wall.

889. What was the size of it; was it as big as a man's head?—No.

890. What was the size?—I was excited at the time; I bent down to pull up my pistol; I just saw him get a grip of it in the wall.

891. He was kneeling at the time?—He was.

892. He put his hand down?—He put his hand down, this way (*describing the same*).

893. He leant upon it?—No, he did not; he put his hand to nip at the thing.

894. But he did not raise it up, or make any attempt to throw it?—I did not see him make any attempt to throw it.

895. By the *Committee.*] Was the wall a brick wall or a stone wall?—Stone; there are no brick walls in that country.

896. Was it a loose stone wall?—It was a mortar wall; it was a whitewashed wall, a mortar wall.

897. Is the coping of flat stone, or is it merely a portion of the wall?—The top stone of the wall.

898. Is it a flat piece at the top?—It is a common country-built wall; the wall that is built up commonly.

899. Mr. *Buchanan.*] Can you say whether it was built with mortar, or merely a dry wall, as we call it?—I imagine it was built with mortar; the wall on the other side of the lane was.

900. How wide was this wall on the top?—That I do not know.

901. You do not know?—No.

902. Did you see into that yard; I think you told the Committee you did?—I did; I saw it just at the gate.

903. Did you see any dung-heap in the yard?—I do not remember.

904. Was not the height of the wall such that people could not possibly have looked over it, unless they were standing on something inside the wall?—I should say not.

905. You say it was the height of that door?—It was the height of that door; I could not reach up to the top of it, it was so high.

906. When you came up the lane, were there not stones thrown before you saw Mr. Conway at all?—I do not remember; I was getting the men in; I did not see anything until I stood at the gate.

907. You

907. You do not remember whether there were or were not?—No.

908. Did you hear Mr. Conway address any observations in English?—Yes; I do not remember exactly what he said; he said something about police and soldiers, not to strike them, I think.

909. Was this the time he was on the wall?—I cannot exactly remember; it was about that time.

910. Where else could you have heard him, except he was on the wall?—Except on the wall or in the lane.

911. He was not in the lane until after the time that you had been by the gateway, when he came down to get on his horse?—He was in the lane first; he then went on the wall, and after he got off the wall he got on his horse in the lane.

912. At which of those times was it that he addressed the people, and said, "Do not hurt the police or soldiers"?—It was one of the two last times I saw him, either on the wall or when he got on his horse.

913. Did you hear him say that the people ought to have been at mass?—I do not remember.

914. Could he have said it without your hearing him?—Indeed he could; I was going in and out constantly at the gate, trying to get the people in.

915. Did you hear him tell those who were excited to be quiet; those who were standing beside him?—I do not remember; he was speaking to them constantly.

916. Did you not hear him address the people beside him on the wall, and tell them to be quiet, at the time he said, "Do not touch the military or the police"?—I think he said something to this effect, to keep quiet, and not to hurt the military or the police.

917. By the *Committee.*] Do you understand Irish?—I understand an odd word.

918. Mr. *Buchanan.*] Was this in English?—This was in English; I would not understand anything in Irish.

919. By the *Committee.*] When was this; after your pistol affair, or before?—It must have been before it, because he got off the wall then.

920. Then they paid no attention to his request?—No; the stones were thrown, and then I drew my pistol; but it must have been before that, because he was not on the wall after that.

921. Was it not after the first stones were thrown that Father Conway said to the people, "Keep quiet; don't hurt the police"?—I do not know: the moment I saw the stones first, I drew my pistol.

922. Was it not after the stones were thrown that he said that?—I do not know.

923. You will not swear that it was not so?—I will not.

924. Did you hear him say to the people that it was a great shame for them not to be at mass?—I do not remember it.

925. But he might have said that?—He might have said it; it might have been as well if they had done so, if they could have done so without there being any danger.

926. With all this intimidation that you talk about, you polled every one of your voters, did you not?—Yes.

927. And they all plumped for Colonel Higgins?—They did.

928. By the *Committee.*] Do you know, of your own knowledge, of any elector of the county of Mayo who was prevented from voting for Colonel Higgins by reason of intimidation and violence?—Not to my knowledge. I have heard so; but I do not know anything about that.

929. If your voters had not been guarded, both in the hotel and up to the hustings, would they have been able to have voted for Colonel Higgins?—I do not think they could have got down; some of them were strong young men; but there were some old men who would have been beaten, and who could not have got down.

930. Mr. *Buchanan.*] Have you been at prior elections?—No.

931. You have never been at an election before?—No.

932. Did you see any people in the Claremorris booth, voting without requiring protection?—Yes.

933. Now, you told the Committee that your horses remained for some time without food?—Yes.

934. Had you not a large force of dragoons, infantry, and police in the town?—There was.

935. Do you mean to tell the Committee with such a force at your disposal?—It was not at my disposal.

936. And your uncle a depute magistrate, you could not have taken the people down to the polling booth?—I believe as to deputed magistrate, when a stipendiary magistrate is out, the deputation ceases.

937. Did you ever apply to the stipendiary magistrate to assist you to give food to your horses?—I applied for a police force, and we only got seven men.

938. Do you mean to say that seven men could not protect a man with oats and hay from one yard gate to another?—They might protect one; but when the men attempted to go out, and when they attempted to get into the lane, they could not.

939. Do you mean to tell the Committee that with all this disposable force in the town, you did not feed your horses?—No; there were two or three horses fed with some oats. There was a small yard next the hotel, and some of these people got oats, and they were fed in a couple of buckets; but those down in the lower yard, two or three of them were not fed.

940. Now, how many pistols had you?—I had two.

941. They were loaded, I suppose?—Yes.

942. Had your father pistols?—Yes; there was only one case in the house, and I had them.

943. What kind of pistols were they?—Pocket pistols.

944. Now, was there any observation made when you pointed a pistol at the priest?—How observation.

945. By the people around?—No.

946. Did not the people shout out to you?—No; I did not hear anything; there was a line of people above me, and I had my back to them. I looked up, and I pointed it.

947. You pointed the pistol?—It was not cocked at the time; I did not wait to cock it, I was in such a hurry.

948. Who was the officer in command of the dragoons?—I do not know.

949. Was it Captain Grayburn?—I do not know.

950. Or Captain Coney?—I do not know.

951. By the *Committee.*] Who commanded the whole force; who was the officer of the infantry; who was the senior officer of the party?—In the lane.

952. If the two were together there must have been one who was in command?—The cavalry left us immediately in the lane after the infantry formed across the top. The cavalry marched off and left us with the police. There was a major of infantry there.

953. Do you know the major's name?—I forget his name; I have met him several times since; I do not know exactly his name.

954. Mr. *Buchanan.*] I think it was Major Hume?—I do not know. He had red whiskers. He had one of those crosses of legions; he wore one of those decorations.

955. Who was the deputy sheriff in the Kilmaine booth?—Mr. Sharkey.

956. Who was at Claremorris?—Mr. Jennings.

957. Benjamin W. Jennings?—Yes.

958. Do you know Mr. William Malley?—I met Mr. William Malley in Castlebar. I am not sure whether he is William Malley. He is a grey-headed man; a thin spare man.

959. Was he on the committee?—If his name is there he was. I met him in the committee-room.

960. Now Captain Brabazon, whose name is on this committee, was he with you on it?—He was; I met him in the room.

961. Do you know of his being deputy sheriff of Swinford?—I heard of it.

962. Did you hear him make a speech at the hustings?—I did.

963. I believe he was heard, was he not?—He was partly heard and partly not heard; he was groaned too.

964. Did he not make a most violent speech on the hustings?—He spoke pretty hard. He praised some parties and he dispraised others. He praised some of the Browns of Westport, and he declared that they should boast of being heroes more than Mr. Palmer.

965. Did you hear him say this: he wished to know if they were to have a revival

revival of the old Orange ascendancy, whose yoke was iron and whose hands were brass?—I do not recollect the exact words; but to the best of my belief that is the report.

966. Did Captain Brabazon make a personal attack upon Captain Palmer on that occasion?—No; he spoke exactly in this way; Colonel Gore, in proposing Captain Palmer, spoke of his gallantry in the Crimea at the Balaklava charge.

967. Did he make a personal attack on Mr. Moore?—He did; he stated that he was ungentlemanly in his conduct.

968. Did he say anything in praise of Colonel Higgins?—He did; I cannot exactly remember what he said though.

969. That is your recollection of it?—That is my recollection of it.

970. Mr. Edward P. Macdonnell; do you remember his being on the committee with you?—I met him in the room with the others. I am sure he must have been one of the committee.

971. Do you know of his being a deputy sheriff?—I heard of it, I think. I knew nothing of it.

972. Tell me all you know. Do you know Mr. Thomas O'Dowd?—I do.

973. His name appears on the committee with yours?—I should say he was one of the committee also; at least I met him in the room.

974. Did you hear of his being a deputy sheriff in Ennis?—I heard of it.

Chairman.] Ask him first, whether he knows the names of the deputy sheriffs; and then ask him whether their names are on that list.

975. Mr. *Buchanan.*] Repeat the names of any deputy sheriffs?—Those were the two in Ballinrobe, Mr. Jennings and Mr. Sharkey. I heard the names of other deputy sheriffs.

976. Do you know Mr. Thomas Strickland of Clanmore; the brother of Mr. Strickland?—I do; he is a collector. I met him.

977. You met him on the committee?—I did.

978. Do you know Dr. Burke, of Westport?—Which of the Dr. Burkes.

979. Do you know the father?—Very little; just to speak to him.

980. Do you know Dr. Thomas Burke?—Yes; he belonged to the south of Mayo.

981. He was on the committee with you?—I do not remember that. He is a surgeon.

Re-examined by Mr. *O'Malley.*

982. This list that you have spoken of contains about 124 names?—I do not know how many.

983. I counted them up. There are about 124 as near as I can see. You have not seen the list?—Oh! I saw the list several times.

984. There are a great number of gentlemen, magistrates, deputy lieutenants of the county of Mayo?—There are.

985. Now, this was a committee formed not at the time of the election, but some considerable time before it?—We began to form it just at the Assizes, before Colonel Higgins came over. It originated with Mr. Macmaness.

986. This was a committee to express confidence in Mr. Higgins, and to invite him to stand again?—Yes.

987. You were asked about Dean Burke; do you know whether he and one other priest were not the only priests that supported Mr. Higgins?—I know that Dean Burke supported Mr. Higgins and Mr. Few. I know that he seconded him, and I saw Mr. Few come into Ballinrobe.

988. He is his own parish priest, is he not?—I do not know that at all. I went up with the escort to Mr. Blake's. They took him up to the hotel.

989. You were asked about a deputation to your uncle; were you present near Mr. Tighe's house at one time, when Mr. Higgins appealed to the magistrate to act?—No.

990. You were not there?—No.

991. You remember your telling us about the police; seeing the police and the dragoons come back?—I did not see the dragoons come back.

992. What was it you saw?—I heard that Burke went out for the voters, and came back.

993. You said you saw him do something?—I saw him force his way into the booth with, I think, three policemen behind him.

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994. They were all covered with mud, were they not?—Yes; their accoutrements.

995. At that time you were going on to say there was something you forgot?—That was at the time when they were coming up. There were some parties on the landing. There was a priest among them, wanting to push them, and Mr. Routlidge got hold of him and dragged him into the booth, and Mr. Burke got up with three voters.

996. A great deal has been said to you about when you met Mr. Prendergast whether there was any cheering?—There might have been a shout, but I did not hear it.

997. Did you hear any cursing?—No. We met on the public road Mr. Burke and Mr. Prendergast, and two or three men. Mr. Fardell had the command of four or six police.

998. You told us in you examination in chief, that you chose mass-time to get quietly out of the town?—We did; and we were delayed coming into the town or we would have got out a little earlier, which would have brought us out during mass-time. I believe we got there at the end of it.

999. You told us that Father Conway spoke in Irish?—He said something that I could not understand.

1000. Were the voters Irish people?—They all spoke Irish. All the people down there speak Irish.

1001. The military and the police spoke English?—The police generally speak Irish also. I dare say any Irishman among the military would speak it also. I believe so; I am not sure.

1002. That does not follow as a consequence?—It does not.

1003. The words of caution you heard in English had reference to the soldiers and the police only?—I do not know. He said: "Do not hurt the police or the soldiers. Be quiet. Do not hurt them," or "take care of yourselves," or something.

1004. In English?—Yes.

1005. Now, as to the booth. Inside the booth everything was quiet?—It was; but a little crushing about now and then.

1006. But the difficulty was to get into it?—The difficulty was to get down to it, because the dragoons were all day in front of it, and kept a space clear for us.

1007. By the *Committee.*] Did you say that the dragoons kept the way open to the voters or no?—No; the dragoons had an open space. We had escorts to bring us up. There was a line all the way.

1008. What escort had you?—Generally the infantry lined us on either side as we went up, and sometimes a few dragoons went right in front.

1009. Were you in the booth any considerable time?—From eight till four. I went out then. I got an escort and went up to the hotel to bring down fifteen or sixteen. I was in the booth afterwards again, until it closed, at six in the evening.

1010. Did any of your father's tenants vote against Colonel Higgins?—I do not know.

Mr. *James French* called in, sworn, and Examined by Mr. *O'Malley*, as follows:

Mr. *J. French.*

1011. YOU are of Waterslade Place?—Yes.

1012. Near Tuam?—In the town of Tuam.

1013. You are a landed proprietor in Mayo and Galway?—I am in Mayo. I own a house in Galway. I am a landed proprietor in Mayo.

1014. Well, now, are you a Roman Catholic?—Yes.

1015. Are you a voter for the county of Mayo?—Yes.

1016. Did you go to Ballinrobe for the purpose of voting?—Yes.

1017. For whom?—For Colonel Higgins.

1018. When did you go?—I went on Saturday. I went to Colonel Higgins's house on Saturday, with the intention of going from that on Sunday. I found that he was not at home, and I went back into Ballinrobe.

1019. *Chairman.*] Was this on the 3d or 4th of April. We have had two or three Sundays?—It would be on the 4th of April.

1020. Mr. *O'Malley.*] Now, on the Saturday, was the town quiet?—Perfectly so.

1021. Did you go to mass on Sunday?—I did.

1022. Who

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1022. Who was the priest there?—I heard that he was the Rev. Mr. Conway. I never saw him before.

1023. However, you ascertained, did you not?—I ascertained from a lady who was sitting next to me.

1024. Now, before the mass was finished, did you hear Mr. Conway speak upon the subject of the coming election?—I did.

1025. Now, before I ask you what he said, did you communicate to any one after you came out what you had heard?—I did.

1026. Did you, in consequence of what the gentleman told you, put down in writing what you had heard?—I did. It is rather an unpleasant situation for a Catholic to be placed in, but I must tell the truth.

1027. Have you the memorandum now?—I believe I have.

1028. With you?—I think I have. (*The Witness produced a paper.*)

1029. Now, just look at that memorandum; that is written by yourself?—In the town of Ballinrobe.

1030. How soon after?—Part of it at Mr. Griffin's house immediately after mass, and part of it during the election.

1031. Mr. *Karslake.*] Who was the gentleman with whom you communicated?—I went to Mr. Griffin's house, the agent; Mr. Courtenay Kenney, the magistrate, was there. I stated what I had heard, and Mr. Kenney told me to put it down.

1032. You say that after mass you went first of all to Mr. Griffin's?—Yes.

1033. And also to Mr. Courtenay Kenney's?—No; I met Mr. Courtenay Kenney at Mr. Griffin's; he was an old friend.

1034. Mr. *O'Malley.*] You saw both Mr. Griffin and Mr. Courtenay Kenney on that day?—Yes.

1035. How long after you had heard these words did you put down any part of them?—Indeed, I should suppose not more than ten or fifteen minutes.

1036. How much of them did you put down in that time?—I put down the first page and two lines.

1037. When was the other portion of it written?—At different times; the 6th of April, the 7th of April, and the 8th of April.

1038. Any other day?—No, the 7th of April is the last; I mistook the 8th just now; that was 8 o'clock.

1039. I understand that what you heard in the chapel, you wrote down that same day?—Yes.

1040. And the other relating to the 6th and 7th is a sort of diary of the election as it went on?—In consequence of having heard that there was to be an election, and being an old electioneerer myself, I knew that this would give rise to something.

1041. However, each transaction was put down immediately after it occurred?—Yes.

1042. Now read that paper, and tell us what the words were?—Shall I read the whole of it?

1043. Yes?—"Memorandum respecting the Mayo Election:—5th April 1857, Palm Sunday.—Heard the Rev. Mr. Conway make use of the following language in the Roman-catholic chapel of Ballinrobe this day. After eulogising the Messrs. Moore and Palmer to the highest degree, he said, 'but as to Higgins, he is a most consummate scoundrel! He has deceived you in every point. Every promise he made to you at the last election, he has broken! He has sold his country, his body, and his soul, yet he has now the presumption to come and ask for your support. But believe me, the curse of God will follow every man who gives it to him. You have a perfectly legal right to show your disapprobation of his conduct, by shouting and hooting after every one who comes to support him. But take care and do not molest or maltreat any of the soldiers or police.'" That is all I heard Mr. Conway say; and I put a memorandum here for my own satisfaction, "Feeling this to be a permission to maltreat the freeholders."

Mr. *Karslake.*] I object to having that read.

Witness.] I was only going to give my reason.

1044. Mr. *O'Malley.*] That is what you heard him say?—Yes.

1045. Was it in the service, or at what part of the service?—I conceived, as a layman, in a very awkward part of it; it was immediately after the communion.

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Some clergymen preach at that time, others wait till the mass is finished, which I think every one ought to do.

1046. This was after the communion was celebrated, and before the mass was concluded?—Yes.

1047. Where was he when he spoke it?—At the altar in his sacerdotal robes.

1048. Now you have read that to us in a very quiet and composed way; was it delivered in that quiet and composed way?—Why, no; that other gentleman (Mr. Karslake) would not permit me to say why I asked his name; that was what I was going to say; the violence of his gesture and action were certainly quite unbecoming what a clergyman ought to have pursued, and I therefore turned to a lady and asked her who he was.

1049. Now you have told us that during the Saturday and the early part of Sunday the town was quiet?—Perfectly so.

1050. When did it appear to begin to be excited?—Indeed, I should think shortly after I left Mr. Griffin's house; I went to walk about the town, and I saw this gentleman up in a window next door to the hotel I was in, and he was speaking to the mob, but I did not go so near as to recognise what he said.

1051. The same gentleman?—Yes.

1052. Speaking to the mob from a window?—Yes, I did not hear what he said.

1053. At that period the excitement in the town commenced?—I think that was the commencement of it. What he said of course I do not know, for I was not near enough.

1054. Now after that time did the town continue to be in an excited state?—Oh, very much; increasing every moment.

1055. You can tell us whether the conduct and demeanor of the mob was violent or threatening, or the reverse?—Oh, very much so; so much so that the gentlemen in our hotel dare not look out of the window without having a stone or stick, or something flung at them.

1056. Do you remember an instance of one gentleman venturing outside the door?—I remember one gentleman in the evening, I think it was the second day of the election; he did not wish to go into the yard, and he went out of the hall door, and in two minutes he returned with a cut across his forehead from a blow he got with a stone. I do not recollect who was in the room at the time; it was just after tea. He showed the cut right across his forehead.

1057. Now you have spoken of the mob in the town; did that mob come round the hotel very closely?—Apparently they were in every part of the town. I do not know whether it was the same mob or not, but no one could venture out. I had some of my tenants in; others could not come into the town; I could not persuade them. I told them I did not care a fig who they voted for. I could not get them in. I got about four or five, and these I was obliged to get a guard to bring them to the hustings from the hotel and take them back again.

1058. *Committee.*] Where were those voters whom you could not get out to the poll?—At Frenchtrow, within about seven miles of Ballinrobe.

1059. What day was that?—The first day of the election; Monday.

1060. Did you send for them?—I sent a messenger for them; I did not go for them; I sent a person for them.

1061. Now you have told us of the state of the town during all this time; did you see Mr. Conway again in the town after this?—I did frequently. I saw him hurraing the people opposite, from a window opposite the hustings.

1062. Was that a second time? You told us of your seeing him after you came out?—Yes.

1063. Addressing the mob from a window?—Yes, at one end of the town, and the hustings was the other end of the town.

1064. What was he doing then?—He was addressing the mob.

1065. Did you hear what he said?—Indeed I did not wait to do so. I was cutting away home as fast as I could; it was immediately after I had voted myself.

1066. Did you see him at any time afterwards?—On several times afterwards.

1067. Through the town?—Through the town.

1068. Now can you tell me yourself, do you know whether Mr. Burke and Mr. Hugh were the only parish priests in the county who supported Colonel Higgins?—Indeed, I believe so.

1069. The

1069. The only priests?—Dean Burke and Mr. Hugh were the only priests.

1070. Mr. Hugh is the parish priest of his own place?—Yes.

1071. And Dean Burke has been very long located in Westboard?—Yes, I believe where Colonel Higgins himself was born.

1072. Long enough priest of Westboard to have baptised him?—Probably I knew Dean Burke when Colonel Higgins was a boy.

Cross-examined by Mr. *Karslake.*

1073. You, I understand were a voter and a supporter of Mr. Higgins?—Yes.

1074. At what hotel did you put up when you got to Ballinrobe?—At Monahan's hotel.

1075. You say that you had some of your tenants who voted for Mr. Higgins?—Yes, two.

1076. Did they come to you at Monahan's hotel?—Yes.

1077. That was the head quarters of Mr. Higgins's voters, was it not?—I believe it was.

1078. Did you find at that hotel Mr. Isidore Burke; was he there?—Yes.

1079. With his voters?—I cannot say that: I know that I saw him myself there, and I think his son.

1080. With regard to Mr. Routledge?—He only came over to dine.

1081. Will you undertake to say that Mr. Routledge was not there for three days, staying in the house, and putting up there?—He was there; he was obliged to do so.

1082. Where had he been staying before?—I cannot tell you; he wanted to go home, and two or three gentlemen, and I amongst the rest, would not let him; I said to him, "Routledge, I will give you half of my bed."

1083. Tell me whether he was the same gentleman who was examined here yesterday?—The very man.

1084. Do you know that he came with some of his voters who were going to vote with him for Mr. Higgins?—I know that he came from Claremorris; I should say he did not.

1085. Did you see him come to the hotel originally with the voters?—I did not.

1086. Did he dine in company with you?—He did.

1087. And other gentlemen?—Yes.

1088. Was Mr. Burke there?—Upon my word I do not know; there was an elderly gentleman, Mr. Griffin knows him; is it Mr. Isidore Burke you mean?

1089. Yes?—I was introduced to him; I cannot say whether he dined that day or not.

1090. About how many gentlemen dined together upon that occasion?—I should say about eight or ten.

1091. This was on the Sunday?—No, it was on the Monday.

1092. Did you see Mr. Routledge there on the Sunday at all?—I did not.

1093. You do not know whether he was staying at the hotel or not that day?—I do not know; I walked out into the country.

1094. Never mind that; answer my question, and it will save time; you were going, I think you said, to stay with Colonel Higgins, but finding him not at home, you came down on Sunday?—Yes.

1095. And put up at Monahan's?—Yes.

1096. Now, one word with reference to mass; you have lived many years at Mayo?—I did.

1097. Is it customary occasionally in the chapels there for the priest to speak after mass on subjects of general interest?—No, it is not.

1098. Have you heard it done?—I have heard it done, but it is generally the explanation of the Gospel, or the expounding of the Scriptures.

1099. But after the mass is over, have you heard, on different occasions, the priest talk upon subjects of general interest to the people?—I do not think I did while I lived in Mayo.

1100. Have you in other counties in Ireland?—I have.

1101. Although it is not known in this country, the priests take an opportunity of doing that occasionally in Ireland, to your knowledge?—Certainly very few of them, and they are generally young curates who do so.

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1102. You probably object to that practice, but you know that it is a practice?—Undoubtedly.

1103. Was it after mass was over, from the steps of the altar, that Mr. Conway spoke?—Indeed it was not.

1104. Where was it from?—It was from the steps certainly, but not when mass was over.

1105. Was anything done after that except the sermon?—There was no sermon.

1106. No sermon?—No; except you may call that a political sermon, there was no sermon.

1107. What was there left to complete the service of the mass at the time that he spoke?—There was the communion, and the post-communion to be read; there was then the blessing to be given, and the Gospel of St. John.

1108. To be read?—To be read.

1109. You say that that was done after this address was made?—It was.

1110. Now, do you pledge yourself to the exact words which Mr. Conway used upon that occasion?—I do.

1111. To every word of it?—To every word of it.

1112. Probably as you read from that, you will let the other side give us a copy of it?—I am sure I can have no objection to it; I came here solely in obedience to the summons I got.

1113. You pledge yourself to the accuracy of every expression contained there?—Certainly.

1114. You did not think of writing this down until after you had seen Mr. Higgins's agent?—It was not Mr. Higgins's agent who suggested it, but Mr. Courtenay Kenny, an old respectable inhabitant of the county; I said, "From the way in which this business is going on, I am sure there must be a petition."

1115. He said he was sure that there must be a petition from the way in which the thing was going on?—No, I said so to him; he said, "If you think so, you ought to write it down;" and I did so in Mr. Griffin's office.

1116. He being the agent for Colonel Higgins?—So far as that part.

1117. And by Mr. Courtenay Kenny's suggestion?—Yes.

1118. Now, this was on the Sunday, I think?—Yes; it was on the Sunday, immediately after mass.

1119. What did you do after you left Mr. Griffin's?—I went out to take a walk round the town; I had not been there for many years; I found it much improved, and when I came back I saw Mr. Conway declaiming out of his window.

1120. At what time in the afternoon was it?—I should suppose between three and four o'clock.

1121. Had Mr. Burke at that time come in with his voters?—Oh, I do not know; I should think not, for the moment I got to the hotel I heard about his being thrown out of his car.

1122. Did you see young Mr. Burke and the voters come into Ballinrobe?—I did not.

1123. Were you in the hotel that afternoon?—I was.

1124. All the afternoon, after you came in from your walk?—No; I think I dined with Mr. Griffin that day.

1125. Tell me how late you were in the hotel that afternoon?—I was about seven or eight o'clock with the committee, and then I went to the hotel, and there I remained.

1126. When you got back to the hotel, about seven or eight o'clock, were young Mr. Burke and his freeholders in the hotel?—Upon my word I cannot tell you who were there; they were all in a state of excitement.

1127. You cannot tell me whether they were there or not?—No; there was a great mob round the house; the mob were on the opposite side of the street also; they were standing at the very edge of the flags; I walked between the mob and the houses, and when I came to the spot, I made a dart across.

1128. You got in, at all events, unmolested?—Unmolested, certainly.

1129. There were a good many people about at that time?—Oh, a great number; and the police force in the hall.

1130. Well now, that was all that you saw or heard on that afternoon, except that you saw Mr. Conway addressing some people?—Yes.

1131. And what he said you do not know?—No, I did not wait to hear.

1132. What

1132. What were you doing on the Monday?—I voted for Colonel Higgins on the Monday, and those two tenants told me that they voted.

1133. Never mind that; did you see your tenants come in on the Monday?—I neither saw them come in nor vote.

1134. Did you see them when they were in?—I did.

1135. Where?—I first saw them at the Court-house; I was obliged to get a guard to bring them from the Court-house to the hotel.

1136. They went back from the Court-house to the hotel with an escort?—Yes.

1137. How many tenants would there be with the escort?—Two of mine, and I believe four of Mr. Jennings'; I think so; and there was one belonging to Mr. Lewin.

1138. Did they all go back to Monahan's hotel?—Yes; and I ordered beer and bread for the voters.

1139. For the voters?—For my own.

1140. And I suppose the other gentlemen did the same for theirs?—Oh, certainly; every one at the hotel paid for themselves.

1141. Now, tell me what time in the day that was that you went back from the polling-booth?—I should say about three o'clock.

1142. What did you do the rest of that day?—I went back to the booth for curiosity.

1143. You stopped there some time?—I stopped until they closed.

1144. At four in the afternoon?—Yes.

1145. What did you do after that?—I went into the hotel again.

1146. And dined?—And dined; and that is the time that Mr. Routledge came up.

1147. Now, on the Tuesday, tell me what you did?—I went to the booth to see the polling, and I went from that to Mr. Tigh's house, where I promised to dine; I remained there until the court was adjourned; that was about two o'clock. It was adjourned by affidavit.

1148. Were you there until it was adjourned?—I was there until it was adjourned.

1149. And you then went away?—Yes.

1150. And went to dinner with somebody else?—Yes.

1151. Do you know who adjourned that court?—I heard it was adjourned on affidavit.

1152. Did you hear any explanation about the adjournment?—I did.

1153. Did you hear a remonstrance made against adjourning it?—No.

1154. No?—Not at that time.

1155. Were you in the booth?—Yes; I heard no remonstrance at the time I speak of.

1156. Did you hear a remonstrance at any time?—I did not know of any remonstrance. I was only surprised that it was not adjourned long, long before.

1157. Never mind your surprise, we want facts; did you know, of your own knowledge, on what ground it was adjourned?—I do not know exactly how I can answer that; I know that the deputy, a very nice young man indeed, called the Rev. Mr. Conway to order frequently, and he told him at last, "I have a high respect——"

1158. Never mind that; do you know, of your own knowledge, what occasioned the adjournment of the poll?—I am telling you.

1159. What was it?—The conduct of Mr. Conway, and the impossibility of that spirited young gentleman to bring him to order.

1160. Who was that spirited young gentleman?—Mr. Sharkin; I had not the pleasure of his acquaintance until yesterday.

1161. I ask you whether you do not know that a remonstrance was made to Mr. Sharkin against his adjournment of the poll that day?—I neither heard it nor saw it; I saw the affidavit handed in.

1162. You saw something handed in for the adjournment?—I saw the affidavit handed in.

1163. You did not know, at the same time, that the remonstrance was made against the adjournment of the poll?—I did not.

1164. That was on the Tuesday; now what did you do on the Wednesday; did you stay to see the adjournment out?—After the election, I did the best I could to get my tenants to venture home, and they would not do so; I was

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obliged to sit up all night, or rather till three o'clock on Thursday morning, and then I stole them out at night; I dined with Mr. Tigh.

1165. At what time?—Between five and six o'clock.

1166. At what time did you return to your hotel?—I should think between nine and ten o'clock.

1167. And you got your voters to go home about three o'clock?—I could not get them to go home until the town was completely quiet.

1168. *Committee.*] You sent them away when the town was completely quiet?—It was about three o'clock in the morning, and then they left; they would not leave the town before, and even while I was getting them out they were uneasy every moment for fear some one would come to them. About three o'clock in the morning I succeeded in persuading my own tenants to go home.

1169. Had they voted?—Yes, they had voted the first day.

1170. They had plumped for Mr. Higgins the first day?—Yes.

1171. Was the town so very agreeable, that they wanted to stay in it?—No.

1172. Mr. *Karslake.*] While they waited they were eating and drinking at your expense at Monahan's hotel?—Yes, but they were in a great hurry to go out.

1173. *Committee.*] Did I understand you to say, that you tried to get your tenants to come up, but that they were afraid to come up?—I did the best I could to get my tenants to go home. I wrote to my tenants.

1174. And they declined to come?—Yes, they were afraid to come.

1175. Mr. *Karslake.*] You had no personal communication with the tenants who did not come up and vote?—No; nor did I know how many of them were registered until they went to Ballinrobe.

1176. Did you go to bed on the Monday night?—I did.

1177. At what time?—I and Mr. Routledge went to bed together.

1178. At what time?—I cannot tell you that; it was about eleven o'clock.

1179. And I suppose you slept till six o'clock in the morning?—I suppose till eight o'clock, but I do not know.

1180. Do you happen to know the name of the Mr. Routledge that you met at dinner?—Mr. David Routledge. He was the first person that was examined here. He is generally called Watson Routledge.

1181. You were not present at the nomination?—No, I was not.

1182. *Committee.*] Did you say you did not much care about your tenants voting?—No; I thought Colonel Higgins would have got in at once without any opposition.

Re-examined by Mr. *O'Malley.*

1183. Mr. Tigh's house was exactly opposite the hotel?—Yes, perhaps a house or so.

1184. Was that house guarded too, as well as the hotel?—Indeed it was.

1185. Guarded by the police?—Guarded by the police.

1186. Do you know the Rev. Mr. Coyne, of Tuam?—I do.

1187. What is he?—He is a Catholic curate.

1188. Is he a curate to Mr. M'Hale?—Yes.

1189. The archbishop?—He is.

1190. Has Dr. M'Hale a chapel in which he officiates himself?—Yes, the cathedral.

1191. Is he the curate of that?—Yes.

1192. Is that what you call the administrator?—No, the administrator is a Mr. Conway.

1193. Now, how long ago did you get the Speaker's warrant?—I should suppose about the 10th or 12th May. It is dated the 8th May. I got it a few days afterwards.

1194. Did you see Mr. Coyne after you got the warrant?—Oh, every day almost.

1195. Did he address you on the subject?—He did address me, but as that is a personal insult to myself, I hope the Committee will permit me not to say anything about it.

1196. Was it about the Speaker's warrant, or about your coming over?—About coming over.

1197. Now, tell us what he said?—Oh, I do not know; it was a personal insult to myself.

1198. But

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1198. But we must have it?—I do not see what that has to do with the case.

1199. Let us judge of that; we must have it?—He met me on the Monday; I think it was it on the 15th, last Monday week; and he said, "So, you are going to England."

Mr. *Karslake* stated, that he would take the opinion of the Committee upon the subject of the relevancy of this evidence. Although a general conspiracy had been charged against the priests to intimidate, before this evidence could be given he submitted that a person must first of all be proved to have been one of the so called conspirators; and in the next place, the evidence ought to have some reference to the election.

Mr. *O'Malley* was heard to contend that hewas perfectly justified in his course of examination.

Mr. *Karslake* was heard in reply.

The *Chairman* stated that the Committee were of opinion, that evidence with regard to what Mr. Coyne had said to the Witness could not be given at present.

Re-examination continued by Mr. *Hale.*

1200. Have the kindness to look at that bill (*handing a paper to the Witness*); have you received a bill like that?—Yes.

1201. By post?—Yes.

1202. Produce it?—Yes, there is the original (*producing a paper*).

1203. Is that the envelope (*handing the same to the Witness*)?—Yes.

1204. Do you know the handwriting on that envelope?—No, I do not.

Mr. *Hale* stated that he would hereafter prove the handwriting upon envelope.

1205. Mr. *Karslake.*] Give me the date of your receiving that?—June 14th.

1206. 1857?—Yes, 1857.

1207. Was that the day you received it?—Yes, it was, I should suppose.

1208. You think it was?—I think it was.

1209. What makes you think so?—Because the envelope will tell you. The moment I saw what it was coming from ——

1210. Never mind what you knew; answer my question; upon what day will you undertake to say that you received that letter?—I should think the day of the post-mark.

1211. That is the 4th June 1857?—I could almost swear to it, because they are generally delivered the day they are marked. June 14th, 1857, is the post-mark.

Mr. *William Feron O'Connor*, called in; sworn, and Examined by Mr. *Hale*, as follows:

Mr. *W. F. O'Connor.*

1212. ARE you head constable, in charge of the police at Ballinrobe?—I am.

1213. Do you recollect the last election for the county of Mayo?—I do.

1214. I believe you are a Roman-catholic?—I am.

1215. On the 5th of April last were you in charge of the hotel?—Yes.

1216. Monahan's?—Mrs. Monahan's.

1217. Were you present in a lane leading up to the back of the hotel?—I had the men drawn up in front of the lane.

1218. At one end of it?—I had, along Mrs. Monahan's hotel, across the lane.

1219. Was there a mob there at that time?—There was.

1220. Were they in a state of excitement?—They were.

1221. What state were the mob in?—They appeared to me to be very much excited.

1222. Did you see any stones thrown?—Yes, I saw four or five.

1223. Did you see the Rev. Peter Conway there?—I did.

1224. Where did you see the Rev. Peter Conway?—He appeared to me to have been kneeling on the wall over where Colonel Higgins's voters were.

1225. Did you hear him say anything?—I could not, from where I was standing.

1226. Did he address the mob?—Oh, yes, he appeared to me to have been addressing them.

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1227. To have been?—To have been addressing the people under him; Colonel Higgins's voters, I believe, were under him at the time.

1228. Did you see Father Conway at a time at which he seemed to have been addressing them?—Yes.

1229. Was his hat on?—Yes, he had his hat off.

1230. Did you afterwards hear Mr. Conway speaking in the street?—I did.

1231. What did he say?—He said to the people, "Don't violate the law, but that son of Isidore Bourke's deserves to be hung."

1232. *Committee.*] Did he speak in English?—Yes, in English.

1233. Mr. *Hale.*] Is that Mr. Bourke who has been called to-day as a witness? I understood so.

1234. Mr. Joseph Bourke?—Yes.

1235. Did you remonstrate with the mob?—I did when the voters were in the lane.

1236. Did they attend to your remonstrance?—No; one said he did not care if he lost his life.

1237. That was in the afternoon of Sunday?—Oh, no; at the very time that the voters were in the lane; about three o'clock, I think.

1238. In the afternoon?—Yes.

1239. On the Sunday evening did you go to Kilmain?—I did on Sunday night.

1240. At what time?—I left Ballinrobe about half-past eleven.

1241. Did you take any men with you?—Yes, I had nine police.

1242. What did you go to Kilmain for?—To protect freeholders belonging to Colonel Higgins.

1243. How many were there?—There were eleven or twelve people pointed out to me in Kilmain as Colonel Higgins's voters.

1244. Did you get them to go with you?—Some of them consented, and some of them totally refused.

1245. What reason did they give for that refusal?—I sent to them——

Mr. *Karslake* objected to the Witness giving any reason which the voters to whom he had sent had assigned for refusing to accompany him.

1246. *Committee.*] As you had people sent to bring them, did they give any reason for not accompanying you?—They did.

1247. What did they say?—They said their lives would be taken if they were going to Ballinrobe.

1248. Mr. *Hale.*] How many did accompany you?—All finally accompanied me but one.

1249. And that one?—He said that his life was dearer to him than anything, and that he would not leave Kilmain until he got a large escort.

1250. What time in the morning did you leave Kilmain with these voters?—I left Kilmain about three o'clock in the morning.

1251. What time did you arrive in Ballinrobe?—I arrived in Ballinrobe about five o'clock.

1252. By what road did you go?—I took rather a circuitous road from Kilmain to Ballinrobe, and I did not return the road I went.

1253. What was your reason for that; was it a longer road?—It was, and part of it rather an unfrequented road.

1254. What was your reason for going a longer way?—I apprehended an attack along the way from the excited state I saw the people in in the town.

1255. *Committee*]. Were you mounted?—We had cars.

1256. Mr. *Hale*]. Have you seen previous elections in the county of Mayo?—I attended on duty at two previous contested elections. Two in the borough of Sligo, and one at Mayo.

1257. Did you, at the last election, see more or less violence than generally takes place at elections?—The people were much more excited at the last election than at any I had previously seen.

1258. Now in front of Monahan's hotel during the polling, what was the conduct of the mob?—Very much excited, and appeared to me to have been watching an opportunity to attack Colonel Higgins's people.

1259. Did you have your men there as a guard during the whole time?—We had a constant guard from about nine o'clock on Sunday till Wednesday.

1260. They are armed in Ireland?—Yes; by day and by night.

1261. There

1261. There was no firing?—No firing.

1262. Fixed bayonets?—Yes; on one occasion at Mrs. Monahan's hotel I found myself in command of the police there, and the conduct of the mob was so excited that I feared an attack on the voters, and I ordered my men to fix bayonets for the protection of Colonel Higgins's freeholders.

1263. Did you see Colonel Higgins himself pelted?—I saw dirt thrown at Colonel Higgins and a gentleman named Bourke, in going down towards the court-house.

1264. Did you see any dirt thrown at Mr. Moore?—No.

1265. Had Colonel Higgins an escort whenever he went out?—Yes; whenever I saw him in the street he was under the protection of a large escort.

1266. You were in Ballinrobe during the election; have you seen that placard headed, "Men of Mayo"?—Allow me to look at it. (*The placard was handed to the Witness.*) Yes; I saw similar to it.

1267. Posted up where?—On the court-house door.

1268. Hand it in?—Yes.

[*The Witness handed in the following document:*]

Men of Mayo!—The voice of the church now calls upon you to do your duty. Tipperary has already spoken. All Ireland now expects your decision. With one combined effort elect your chosen candidates, G. H. Moore, Esq. and Captain R. W. Palmer; or, by your apathy, permit Mr. Ouseley Higgins to sneak in, and be for ever disgraced. Hear the voice of your venerated bishops! ever your guide in the day of trial!! Resolved:—At a meeting of the bishops and several of the clergy connected with Mayo, held in Tuam, that all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful; and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament.

+ John, Archbishop of Tuam.
+ Thomas Feeney.
+ T. Durcan.
+ John M'Evily.

1269. Did you see it on the committee-room?—I might have done so, but I cannot take upon myself to say that I have.

1270. At this election did you see Mr. Conway and other priests taking part?—I did.

1271. On whose part did they act?—They appeared to me to be acting on the part of Mr. Moore.

1272. Was there any mob with them?—Yes. I saw them surrounded and followed by large mobs cheering.

1273. There was cheering?—Yes.

1274. Did you see them bring electors up?—Yes; I saw cars with electors, and the mob follow them and cheer them, go into the court-house.

1275. Now on the Tuesday night did you see this placard on the walls (*handing a placard to the Witness*)?—Yes; on the Wednesday morning I saw the walls of the town placarded similar to that.

[*The Witness handed in the following placard:*]

To the People of Ballinrobe and Barony of Vilmaine.

My ever dear Friends, St. Mary's, Ballinrobe, Tuesday evening.

I NEVER asked a favour of you that you did not grant at once. I now ask one favour more of you this day, and I ask it in the name of the glorious Queen of Heaven, the Immaculate Mother of God; it is this—that no man, woman, or child shall appear on the streets of Ballinrobe, except a freeholder, on to-morrow, Wednesday, or any other day, until I appear amongst you. Any one who does not take this my advice, he is my enemy; the enemy of Moore and Palmer; and the enemy of our country. Victory is yours.

P. Conway.

Cross-examined by Mr. *Karslake.*

Mr. *W. F. O'Connor.*

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1276. What was your duty at the time of the election; what was your office?—To take command of the men under my charge.

1277. What rank had you in the police, sub-inspector?—No, head constable in charge; we are called head constables in charge.

1278. When were you what I may call out for the purposes of the election?—I may say that I was constantly out.

1279. When did you begin to be out?—On Sunday.

1280. By whose orders?—By the orders of the sub-inspector who had command over me.

1281. Had you an independent command, or did you act under others?—When the superior officer was present I acted under him; when not, I acted on my own responsibility.

1282. Who was the superior officer?—Sub-inspectors Fallon and Maguire.

1283. From whom had you your orders?—Occasionally from Sub-inspector Fallon.

1284. On Sunday?—From Mr. Maguire, to bring all the available police at the barracks up to Mrs. Monahan's hotel.

1285. About what time?—About half-past two, I should say, or perhaps three o'clock.

1286. And you did so?—I did so.

1287. Monahan's hotel and Geldy's hotel are just opposite one another?—They are just on a line; this back lane or street intervening between both.

1288. So that by being stationed at the back of that lane, you protected any voters on either side if necessary?—Yes, if necessary; but I had the men extended from the lower part of Mrs. Monahan's hotel, up to the upper end of Mrs. Geldy's.

1289. Is it the fact that those two hotels were the hotels used during the election chiefly?—I believe so; I am aware that Mrs. Monahan's hotel was used for Colonel Higgins's voters, and the other for Mr. Moore's.

1290. You know that perfectly well, do you not?—No, I do not; I was perfectly sure that Colonel Higgins's voters were at Monahan's hotel.

1291. Were you not certain that a number of Captain Palmer's voters were at Geldy's?—No; I cannot say that I saw any going into it; whenever I was stationed there, my chief attention was directed to Mrs. Monahan's hotel.

1292. This was about two o'clock in the afternoon when you took up your station there?—I think about half-past two or three o'clock.

1293. Did you see Mr. Bourke come in with the voters?—No.

1294. You did not?—No.

1295. Where were you at that time?—I must have been in command of my men, in front of Mrs. Monahan's; and if I was standing in front of the hotel I could not see persons coming up the street.

1296. They were coming down, rather?—No; Colonel Higgins's voters came a back way into the lane; and if I did not happen to be standing in front of the lane, I could not see the persons coming up; this (*describing*) is Mrs. Monahan's hotel, and this is the back lane; and voters came as if they were coming up in that direction.

1297. In coming down the lane, if people came down the lane they could enter through in the back lane, or from it at the back gate of Monahan's hotel?—They could.

1298. Was that the direction in which Mr. Bourke came?—I believe it was, I did not see him coming.

1299. At that time you say you were in the street in front of Monahan's hotel?—I must have been in front, for I did not see him coming up the lane.

1300. When did you become first aware of the fact that there were voters coming up or down the lane?—Before I left my barracks it was intimated to me that Colonel Higgins's voters were coming in, and that it was necessary to have a force at Mrs. Monahan's hotel to protect them.

1301. When did you became aware of that?—The first thing I saw in the lane was Mr. Conway on the wall.

1302. That was the first thing you saw?—Yes.

1303. Did you see young Mr. Bourke present the pistol at him?—I did not.

1304. Had

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1304. Had that been done, must you have seen it?—My attention might have been called to other places. I did not place myself stationary at the mouth of the lane, and therefore I could not see what was going on further on.

1305. How far from you might Mr. Conway have been?—I should think he might have been about forty yards from me.

1306. When you saw him was he kneeling?—He appeared to me to have been kneeling.

1307. Was his hat off?—He had his hat off and on.

1308. Did you hear him address the people yourself?—I heard his voice.

1309. But you could not hear what he said?—No, not a sentence of what he said.

1310. How long after that was it that he came out and told them not to violate the law; but that that son of Bourke's deserved to be hanged?—I think an hour and a half or two hours might have elapsed from the time I first went to the hotel till I heard him speak.

1311. About how long was it from the time he had his knees on the wall that you think that observation was made?—I should think an hour or an hour and a half.

1312. Was it the same sort of people that had been about the hotel when the military came up with the voters?—Yes.

1313. And it was to those people that Mr. Conway addressed himself?—Yes.

1314. By whose orders did you go out on that night to Kilmaine?—By the orders of Sub-inspector Maguire and Mr. Sheill, resident magistrate.

1315. Do you know whether all the voters you brought in that night went to Monahan's hotel?—I gave them in charge to Colonel Higgins's friends at Mrs. Monahan's, and I left them with his friends.

1316. Do you happen to know that all those persons voted for Colonel Higgins?—I do not know, as I discharged my duty simply when I left them at the hotel.

1317. Did that timid person you spoke of afterwards come away with the escort?—That I do not know.

1318. Can you give us his name?—I have heard that his name was Mackin, but I do not know that; I did not ask his name at the time, but I afterwards ascertained that his name was Mackin.

1319. How far was Kilmaine from this place?—Five Irish miles.

1320. You succeeded in coming in with your nine men and the voters quietly?—Yes.

1321. You say that you yourself have been at other contested elections?—Yes; I was three times on duty.

1322. I suppose on duty?—On duty.

1323. At those elections has it been your duty to bring up voters?—No; I never went to escort voters before.

1324. Then you have been stationed in the town on those occasions?—Yes; I went there on temporary duty.

1325. For the purpose of keeping order?—Yes.

1326. Have you on those occasions seen the military also employed?—I think I did at Sligo.

1327. Now, when did you first see the military on the occasion of this election?—I first saw them marching into the town before the election.

1328. When was that?—I should say they came in on Wednesday or Thursday.

1329. Before the election?—Before the election. I should say so.

1330. You cannot tell me by whose orders the military appeared in the town?—No; I cannot of my own knowledge.

1331. But you can undertake to say that it was as early as the Wednesday or Thursday before?—I think so.

1332. Both cavalry and infantry marched in?—Yes; a troop of dragoons, and a company of infantry.

1333. And how long did the military stay in the town?—They went to their barracks, which are a little out of the town, in the suburbs.

1334. Now, what was the first active part in the election that you saw the military take; was it in bringing in these voters?—It was from the first time I saw them on duty in the lane.

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1335. You saw them on duty after that?—In the town?

1336. Yes.—I did.

1337. What duty?—They were principally drawn up in front of the court-house, and furnished an escort for Colonel Higgins's voters when required.

1338. Were they paraded in front of the court-house every day?—Not paraded.

1339. Drawn up?—Yes.

1340. Always drawn up in front of the court-house?—Yes; patrolling occasionally through the town.

1341. You say that on one occasion you ordered bayonets to be fixed?—Yes.

1342. For how long were those bayonets fixed?—I should say that I had them fixed for about ten minutes.

1343. Did any one order them to be taken down?—Yes.

1344. Who?—The sub-inspector.

1345. Mr. Maguire?—Yes.

1346. He happened to pass, and gave you orders to unfix bayonets?—Yes.

1347. That was the only occasion on which, as I understand, you ordered them to be fixed?—Yes; the mob were not quite so close to the police when Mr. Maguire came up, as when I ordered them to fix bayonets.

1348. You say that you did not see the pistol presented yourself; did you see it taken away from Mr. Bourke?—No; that took place in the lane.

1349. Did you hear any complaint in the crowd about young Mr. Bourke presenting a pistol?—I do not think I did.

1350. Nothing?—Nothing.

1351. Did you not hear that the pistol had been presented?—It must have been the stipendiary magistrate was the first who told me about the pistol having been presented.

1352. Do you mean to say that you did not hear, in connexion with that, the fact of his having presented a pistol at Mr. Conway?—I cannot take upon myself to say whether it was or not. There was a great deal of cheering, and expressions that I could not possibly repeat again.

1353. You have always had cheering at elections, have you not?—Not so much as at Ballinrobe.

1354. *Committee.*] Do the police vote at elections?—No; we are strictly prohibited from voting, or taking any part in the election, one way or the other, except to preserve the peace, and act under the orders of those placed in command of us.

Mr. *George Kelly*, called in; sworn, and Examined by Mr. *O'Malley*, as follows:

Mr. *G. Kelly.*

1355. ARE you a Printer at Ballinrobe?—Yes.

1356. You are not a voter, I believe?—No.

1357. Do you recollect the last Mayo election?—Yes.

1358. Look at that green bill (*handing a green bill to the Witness*); did you print that?—Yes; I caused it to be printed.

1359. It was printed at your office?—Yes.

1360. Have you the manuscript from which it was printed?—Yes.

1361. Just produce it?—Yes.

[*The Witness produced the following Manuscript Document:*]

St. Mary's, Ballinrobe, Tuesday Evening.

To the People of Ballinrobe, and Barony of Kilmaine.

My ever dear Friends,

I NEVER asked a favour of you that you did not grant at once. I now ask one favour more of you this day, and I ask it in the name of the glorious Queen of Heaven, the Immaculate Mother of God; it is this—that no man, woman, or child shall appear on the streets of Ballinrobe, except a freeholder, on to-morrow, Wednesday, or any other day, until I appear amongst you. Any one who does not take this, my advice, he is my enemy, the enemy of Moore and Palmer, the enemy of our country. Victory is yours.

P. Conway.

1362. In whose handwriting is that?—I believe it to be in the handwriting of the Rev. Mr. Conway.

1363. Mr. *Karslake.*] Have you ever seen Mr. Conway write?—Yes.

1364. How often?—Frequently.

1365. What

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1365. What has he written in your presence?—I have seen him write things; I cannot distinguish them at present.

1366. But how did you happen to see him write?—I have seen him write letters.

1367. On what occasions?—Repeatedly.

1368. Under what circumstances?—I have been occasionally in his company and seen him write, and I have seen him write at my own house.

1369. Are you sure of that?—Yes.

1370. As sure as you can be?—Yes.

1371. Mr. *O'Malley.*] Now, that is the manuscript from which the green placard was printed?—Yes.

1372. When was that brought to you to be printed?—It was brought early on the morning of Wednesday.

1373. Did you get directions as to what number of placards you were to print?—I did.

1374. How many?—The order was to print 1,000 of them.

1375. Did you get any orders about delivery?—Those parties who brought me the order also gave me directions as to how I was to dispose of them; at least, told me he would send.

1376. Did he tell you that he would send persons to tell you?—He told me there was to be a thousand, and when we closed there were between 700 and 800 of them printed.

1377. *Committee.*] Have you been paid for them?—No.

1378. Who do you expect to pay for them?—The Rev. Mr. Conway.

1379. Is it not usual for you, in Ireland, to put your name at the bottom of the placard?—Sometimes it is done, and sometimes not.

Cross-examined by Mr. *Karslake.*

1380. You printed the green placard?—Yes.

1381. Who brought you that?—Yes.

1382. Who brought you that?—A Mr. James Stanners.

1383. At what time on Wednesday morning did you print this?—The copy was delivered to me, I should say, between three and four o'clock in the morning. I was rapped up for the purpose, and they were printed in the ordinary course.

1384. By what time was it ready the next morning?—I suppose there were some of them printed and circulated between seven and eight o'clock.

1385. This was after the adjournment of the poll had taken place?—Yes.

1386. Now look at that, and tell me whether you printed that also (*handing a paper to the Witness*)?—Yes.

1387. From whom did you receive orders to print this? by whose orders did you print it?—I printed it by the order of Mr. Griffin.

1388. The gentleman living at Ballinrobe?—Yes.

1389. The agent of Mr. Higgins?—Yes.

1390. When did you print that?—Some days before the election.

1391. How many of them?—Five hundred or six hundred.

1392. Were they universally posted?—Yes; and torn down pretty much at the same time.

1393. Then they were posted again, I suppose?—They were posted.

1394. Were they posted again?—They may have been.

1395. Did you see a good many of them about the town?—I did.

Mr. *Joseph Burke,* called in; sworn, and Examined by Mr. *Edwin James,* as follows:

Mr. *J. Burke.*

1396. DO you reside with your father at Ower?—I do.

1397. In the county of Mayo?—In the county of Galway.

1398. You are a barrister, I believe?—I was a practising barrister; I am not so now.

1399. Were you on the 5th of April accompanying your father, Mr. Joseph Burke, from Ower towards Ballinrobe?—I was.

1400. What age is your father?—This month or last month, I am not quite certain which, he was 76 years.

1401. Had your father a vote for the county of Mayo?—Yes.

 1402. Have

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1402. Have you a vote?—No.

1403. In accompanying your father to Ballinrobe on that Sunday were you to remain and vote on the Monday?—We were.

1404. Your father was going to vote for Colonel Higgins, I believe?—He was.

1405. Now, who were with you besides your father?—The party consisted of my father, a man servant, and myself. The man servant was driving us.

1406. Were you on what is called an Irish car?—An outside car.

1407. What time were you anxious to get into Ballinrobe in the evening?—About half-past five or six o'clock.

1408. Had you heard that there were considerable disturbances at Ballinrobe?—I had heard that it was likely that there would be considerable disturbances there.

1409. Now, as you were approaching the town of Ballinrobe did you meet a large mob of people?—I should say about 300.

1410. Just tell the Committee what time that was?—I should think that was about half-past five, but I am not quite positive; something thereabouts.

1411. How near were you; within what distance of Ballinrobe were you at that time?—I should think about half a mile, or from that to a quarter.

1412. On your side of Ballinrobe?—Yes.

1413. What road is that called?—The Hetford road.

1414. That leads from the Neale?—Yes.

1415. You say that you saw a large mob of about 300 people?—Yes.

1416. Did you observe the manner and demeanour of that mob?—Yes; it was very much excited.

1417. Very much excited?—Yes, considerably so.

1418. Did many of them appear to have been drinking?—Many of them appeared half drunk; not completely drunk. Some were perfectly sober.

1419. That is a state in which an Irishman is most excited, I believe, when he is half drunk?—That is the most dangerous state, decidedly.

1420. Did you observe, after you saw this mob, the Rev. Peter Conway?—He was one of the first I saw coming on in the mob.

1421. Was he walking or on horseback?—He was on horseback.

1422. When you say that he was with the mob, was he in the centre of the mob, or leading the mob, or what?—Not in the front of the mob; he seemed to be surrounded by them.

1423. Well, now, you were coming along in your car; did you know him?—I knew him not by name, but I knew him by appearance, because I once travelled with him on a car.

1424. Did you know him as the Catholic priest of Ballinrobe?—Perfectly.

1425. Until you saw him, was the appearance of this mob calculated to excite terror and alarm?—Very much so.

1426. From their demeanour and manner?—Precisely. They came on, if I recollect, shouting, and I was alarmed when I saw them coming.

1427. I suppose, from your father's age, he would be helpless almost, or is he a powerful man?—He is a healthy man of his age, but of a very nervous temperament.

1428. As the mob approached you, did you stop?—We were obliged to stop; they put up their hands as I do now, and called out "Stop."

1429. Then you were obliged to stop your car?—Obliged.

1430. Now, did you hear the Rev. Peter Conway say anything?—Yes.

1431. After they had stopped you?—Yes.

1432. Tell the Committee what that was?—When the mob stopped us, I first thought we would have been all safe, the Rev. Mr. Conway being among them; but he rode up from the body of the men, and called out, "You are Colonel Higgins's men," or "Colonel Higgins's supporters; so I wash my hands out of you," or some such words. I think I am correct in saying the precise words were "I wash my hands out of you."

1433. Was that said loudly enough for the mob who were in this state to hear?—I think it was; I would not state that positively, but that is my impression, and was then.

1434. Was it said in a manner for the mob to hear?—Yes; I am quite certain that the mob heard it. I am sure it was said for the mob to hear.

1435. From his manner?—No doubt of it.

1436. What

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1436. What did the mob do after the Rev. Mr. Conway had uttered these expressions; what was done?—The moment he uttered these expressions he rode off himself to a distance, I should say of about 100 yards; and immediately after two men rushed out of the mob, immediately upon his uttering these words, and caught hold of me, pulling me off the car.

1437. Did his moving away allow the mob to come up to you?—Oh yes; he rode off about a hundred yards.

1438. And immediately two men came?—Yes.

1439. Did the mob approach your car?—Yes, seized us on all sides; two of them came.

1440. What was the first thing done by them?—The first thing was to tear me off the car. I jumped lightly down, because I was active, and one of them held me on each side of the coat, and they dragged me.

1441. Did they drag you any distance?—Yes, about a hundred yards.

1442. In which direction did they drag you?—In the same direction in which Father Peter Conway had ridden.

1443. Was the rest of the mob, when they had seized you and dragged you in that way, near you?—Both were holding me, one on each side of me, the whole time I was in their hands. One of them was excessively violent.

1444. Now, was Father Peter Conway standing where he could see this?—He only rode off about a hundred yards; there was nothing in life to prevent him seeing it.

1445. Was he observing what was going on?—I cannot say he was looking on at the whole of this; but it was quite in his power to do it.

1446. Was he near enough to see what was going on?—Yes; there was neither tree, nor wall, nor house, nor anything to prevent him seeing it.

1447. Now, they took you in the direction of where Father Peter Conway was on the horse?—He was issuing some orders to his people, and they brought me up to that place.

1448. You mean the mob?—Yes.

1449. They brought you up to where he was?—To where he was.

1450. Did you hear the men say anything to him; the mob?—Yes; I heard them say that a certain person, whose name I cannot remember, was not to be found in his house. I had heard them first speak of going across the fields to look for a party whom I was informed was a voter, but on which side a voter I cannot say. And when they brought me up to him the answer to him was, "He is not in his house."

1451. You understood that to be some man that they had been looking for?—Yes; I do not recollect the man's name.

1452. When they brought you up to him?—He was on horseback.

1453. Did you say anything to him?—I did.

1454. What did you say?—I said, "Sir, it is a shame to see a man of my father's time of life treated in this way in your presence, and you not to prevent it when you have it in your power." I spoke excited, for I was excited at the time.

1455. What did he say to you?—"It is not in my power," said he, "to prevent it."

1456. Did you say anything to him in reply?—"You know well, sir," said I, "that it is in your power, and you ought to prevent it. I cannot see what is being done to him," said I to him, "for I am in the hands of the people here and cannot see it; but they are certainly not treating him well, and you ought to save him."

1457. Had these men forcibly hold of you?—Oh yes; I could not stir at all; I could not stir.

1458. Did you see him, after you had said that, ride anywhere in the direction of the mob?—Yes, he rode then back to where my father was.

1459. Did you manage to get back to where your father was?—Not at that moment.

1460. What became of you?—To the best of my recollection they had hold of me; continued to hold me in that way.

1461. Afterwards, did you get back to your father?—Yes, when the Reverend Mr. Conway rode down to where my father was, I could then see my father standing on the ground struggling in the hands of the mob, and looking in a great

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state of terror and excitement. I could see this, but I was not nearer to him than about 80 to 100 yards.

1462. Well, did you ascertain at that time what had been done to your father?—Yes, my father told me——

Mr. *Montague Smith* objected, that what the Witness's father told him was not evidence.

1463. Mr. *James.*] Did your father make any complaint to you immediately after the transaction of his being injured?—I find it difficult to say the precise moment, but within five minutes I was made aware that my father had been beaten on the back and shoulders, and on the chest.

1464. Did you see the state in which your father was?—Yes; he was, at all events, a fortnight afterwards, not able to move but this way (*describing*), quite a cripple.

1465. Was he severely beaten?—Yes, in the way of having a bone broken.

1466. What state was he in?—He was in such a state that I was afraid he would have got an attack of paralysis.

1467. What state was he in for some days after that?—Crippled, as far as the movement of the head, arms and back were concerned.

1468. Did he complain of having been struck, ill-used, by the mob?—Yes; and it was to that that I attribute the fact of his being so crippled.

1469. Now, what became of you then with your father; did he get again on the car?—Father Conway, when he got up to the mob, took my father out of their hands, and put him upon the jaunting car, which was at the time turned back towards our own place.

1470. Now, at the time that Mr. Conway took your father up and put him on the car, did you observe, from that act and others, that Mr. Conway had the control of the mob?—I was quite convinced all through that he had.

1471. From that fact?—From that fact, certainly.

1472. From that fact, and from what you observed, could you form an opinion whether Mr. Conway had the control of that mob?—The fact of putting him on the car, and taking him out of the hands of the mob, clearly showed that he had the power.

1473. Was it apparent?—Yes.

1474. Was there anybody else taking any part with Mr. Conway in that way?—Certainly not.

1475. Controlling the mob?—Certainly not.

1476. After your father had been put on the car, and the car was turned homewards, did you speak again to Mr. Conway, and remonstrate with him?—I did.

1477. What did you say to him?—I said to him that he ought now to let my father and me go home. He said, "Oh, I will give you as good a bed as you have got at home, and as good a dinner as you shall have at home," or some such words. That was the meaning, and I think they were the precise words.

1478. Now, in what direction had your car been turned then?—Towards home. It was not for the purpose of bringing him back that the car was turned that way; the driver's seat was torn off, and the horse was turned round by the mob to prevent us going into it. His object, I think, was to bring us along with himself. My object was to induce him to let my father go home.

1479. In the course of the struggle the head of the horse being turned towards home?—I said to Mr. Conway, "You ought now to allow my father and me to go home."

1480. Was it in answer to that that he said he could take care of you?—Yes, it was in answer to that that he said he could take care of us.

1481. What did you say to that when he promised to take care of you?—"That will not answer," said I, "that you should give him either dinner or bed; I want him to have the attention of his wife and daughter; he is not in a condition to be out of their hands."

1482. Did you ask him what he wanted of you?—Yes, both I and my father. He said, "What do you want of me?"

1483. What did Mr. Conway say?—To that I think he made no reply, but the action of the mob; the reply of the mob, and their general action, not to vote for Colonel Higgins.

1484. Was that decided?—Oh, decidedly.

1485. Mr.

1485. Mr. *Smith.*] Mr. Conway did not answer?—Not in these precise words.

1486. Mr. *James.*] Was it in his hearing that the mob said not to vote for Colonel Higgins?—Oh, yes.

1487. Was that said more than once?—Oh, yes.

1488. Did Mr. Conway at that time say anything about your going into the town under escort?—He did.

1489. What?—"It would have been folly for you," said he, "even if you had gone in under escort, because not half an hour ago Mr. Isidore Burke was bringing in a party of voters, and three or four"—I cannot say whether the voters or the escort, "were killed by the mob on that occasion."

1490. He said that to you?—He did; he told us that.

1491. *Committee.*] Mr. Conway?—Yes, the Rev. Mr. Conway.

1492. Mr. *James.*] Do you remember whether he produced from his pocket any list of voters?—He did produce a list of voters.

1493. Did he read it?—He began looking for our names.

1494. Where did he produce the list of voters from?—I think from his pocket; he had it on his person somewhere.

1495. He produced the list of voters?—Yes.

1496. And began to look for your names?—Yes, he began to look for our names; I told him that my name was not in it.

1497. What did he say then?—"Well," said my father, when he saw him in the list of voters, "What do you want with me? If you will let me go home I will not vote for Colonel Higgins."

1498. Did he say anything about a promise?—He did afterwards.

1499. What did he say to your father about that?—He said, "Will you promise me Mr. Burke, on your honour, that you will not vote for Colonel Higgins at this election? If so I will let you home."

1500. "Will you promise me?"—"As a gentleman, that you will not vote for Colonel Higgins at this election?" "I will; if you let me home with my life I will promise you I will not vote for Colonel Higgins at this election."

1501. At that time was your father in a state of considerable alarm?—So much so that I was considerably alarmed about him myself.

1502. Yourself?—Yes; and so the servant told me.

1503. When your father said, "I will promise you on my honour I will not vote for Colonel Higgins," did Mr. Conway address his mob then?—He did afterwards, not immediately.

1504. At any time after your father had given him this promise upon his honour, did Father Conway speak to the mob?—He did.

1505. What did he say to the mob?—"We will let Mr. Burke go home, boys, as he has promised me, on his honour, that he will not vote for Colonel Higgins at this election."

[Adjourned till to-morrow, at Eleven o'clock.

Sabbati, 27° *die Junii*, 1857.

The Names of the Members were called over: all present.

WILLIAM SCHOLEFIELD, Esq., in the Chair.

Joseph Burke, Esq., was again called in; and further Examined by Mr. *Edwin James*, as follows:

J. Burke, Esq.
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1506. YOUR father went back after this promise not to vote; did your father vote or not?—My father did not vote at the election.

1507. He went home?—The mob were not for letting him home without swearing him first.

1508. You say the mob, when your father was about to return home, expressed some intention of swearing him?—They called out, "Swear him;" but Mr. Conway said, "There is no necessity to swear him when he has pledged his honour as a gentleman." He said, "Will you, Mr. Burke," and he took him by the hand, "remember that you have promised, on your honour as a gentleman, not to vote at this election for Colonel Higgins?"

1509. Did you return home with your father?—I returned home with my father.

1510. Your father, you say, did not vote for Colonel Higgins, as his intention had been?—He did not vote for Colonel Higgins.

1511. What happened next; do you remember?—Do you mean before we parted from the mob?

1512. Yes?—I am not quite certain whether it was before or after this that a Mr. Conway turned round to me and said, "It is a shame for a Roman-catholic gentleman to be acting contrary to his bishop and priests."

1513. By the *Committee.*] Who said that?—Mr. Conway.

1514. To you?—To me.

1515. Not to your father?—Not to my father; he turned round to me, he was on my father's side, and he said, "It is a shame for a Roman-catholic gentleman to be acting contrary to his bishop and his priests."

1516. Did he say "Roman-catholic"?—"Catholic," or "Roman-catholic," one or the other; he knew it to be the same.

1517. What is the usual expression?—Well, Catholic is the usual word; but I cannot say which.

1518. Mr. *Edwin James.*] Your car was in a direction to go homewards?—Yes; we were then turned homewards, and we drove on, still accompanied by the mob.

1519. As you drove on, did the mob still accompany your car?—They did. Two of them were holding me, one upon each knee; a man upon each side of the horses was holding them, and a man, to the best of my belief, holding my father by the knees.

1520. What was Mr. Conway doing at the time you started, and made the attempt to get home?—He was on the car for the purpose of preventing the mob taking us off again.

1521. Before the mob left you, do you remember two carts laden with hay and straw?—We met two carts laden with hay and straw, and some persons called out that they were Colonel Higgins's straw and hay.

1522. Did you at that time know Colonel Higgins's servant, who was in attendance upon the carts?—No.

1523. The mob called out that they were Colonel Higgins's hay and straw?—Yes.

1524. They

1524. They were going with provender, I believe, for the horses at Ballinrobe?—So they told me.

1525. What did the mob do upon that?—They ran before my jaunting-car, and scattered the hay and straw about the road; we drove up in a few seconds after, and Father Peter Conway called out——

1526. Was Mr. Conway there while this was done?—He was on our car all this time.

1527. What did Mr. Conway call out?—"Oh, boys, do not scatter the hay and straw," in a jocular tone, which meant, Do.

1528. Was it said in a manner as some say, "Do not put the gentleman under the pump," andi t is done quickly; with what sort of tone was it said?—It was said, so that I made the remark to him at the moment, that in my college days we had a story as to a gentleman of the name of Barrett: "Do not nail his ears to the pump."

1529. Was it said in a way, in your opinion, to tell them not to do so, or just tell me the effect at the time upon your mind?—The effect upon my mind was the same as the effect upon the mind of the mob; that it meant, Do scatter it.

1530. What was done; was it scattered?—It was.

1531. As you were going home did you meet an escort of military?—We did; we met a military escort.

1532. Did you complain to them, or mention to them what had transpired to your father?—I did.

1533. Who was in charge of that escort?—Mr. Shiell.

1534. A stipendiary magistrate?—Yes.

1535. By the *Committee.*] Was the military escort cavalry or infantry?—Cavalry.

1536. Was Mr. Conway, and was the mob, still with you at the time you met the escort?—No.

1537. Mr. *Edwin James.*] You say they began scattering the hay and straw; did you leave them in the act of doing that, or when did you leave them?—I should say immediately after that, or perhaps in a minute or two.

1538. You drove on homeward?—Yes.

1539. Having left the mob, and driving homeward, you met a miiitary escort?—Yes.

1540. Did Mr. Shiell, the stipendiary magistrate, request your father to go back to Ballinrobe?—Yes.

1541. Did you go back or not?—No, I returned to Ower with my father.

1542. You are a magistrate, I think, yourself?—I am a magistrate of the county of Galway.

1543. I believe you are a Roman-catholic?—I am a Roman-catholic.

Cross-examined by Mr. *Montague Smith.*

1544. You are not a magistrate of Mayo, I suppose, from that answer?—No, I am not.

1545. When were you made a magistrate of Galway?—I was made a magistrate of Galway, I think, about the 19th of February last; I think about that time.

1546. Did Colonel Higgins interest himself in obtaining your appointment?—Not in any way.

1547. Now we will come to this matter: when you first saw Mr. Conway, how far was he from the car where your father was; you say you were brought up to him?—You mean after the assault?

1548. Yes?—I would say about 100 yards.

1549. About 100 yards?—I would say so.

1550. Might it have been more than that?—I think it was not more, it might have been less, but certainly not more.

1551. He was on horseback?—Yes.

1552. Going in the direction of Neale?—Standing.

1553. By the *Committee.*] What is Neale?—It is a small village; he was not going in the direction of Neale; he was standing at the moment on horseback.

1554. Mr. *Montague Smith.*] I think you say he went back to where your father

father was, before you went back?—Oh, certainly, when I called out to him that he ought to do so.

1555. He then went back?—He then went back.

1556. How long was it before you got back to where the cars were?—Immediately after; he called out to the men to bring me back, and they did so, the two that held me.

1557. Then you say you spoke to him, and that he said, he could give you as good a bed as you would get at home?—He did.

1558. Was that offer made to both of you, your father and yourself?—It was not by way of offer; when I asked him to let me go home, he said "Oh, I will give you as good a bed and as good a dinner as you can have at home."

1559. Did you understand that to be addressed to yourself and to your father?—Yes.

1560. You said that would not answer; you have yourself, I believe, been called to the bar?—I have been.

1561. That you declined. Did not Mr. Conway say that your father ought to go, as he had originally intended, into Ballinrobe, and give his vote, if he wished it at the time?—Oh, not at all.

1562. When he spoke of giving you a good dinner and a bed, did he not at that time say that he ought to go into Ballinrobe and vote?—Oh, certainly not.

1563. You heard nothing of that kind?—Oh, nothing; it could not have been said unknown to me; I heard no such thing; in fact the whole tenor of his conduct was, that my father should not vote for Colonel Higgins.

1564. I am putting to you the words, did nothing of that kind pass then?—Nothing.

1565. By the *Committee.*] He did not ask him to vote for Mr. Moore?—Oh no, he did not ask him to vote for anybody.

1566. Mr. *Montague Smith.*] This took place under some excitement. I ask you whether that was not the proposition; whether he did not first say, that if he went home he would not vote for Colonel Higgins?—You are quite right, he said that to Mr. Conway, before Mr. Conway addressed him on the subject; but, I must explain that it was in consequence——

1567. Let me get the answer first?—Oh, you are quite right.

1568. It first came from your father?—Yes, but it was in consequence of ill-usage; it was after my father was put up on the car, in consequence of the ill-usage my father had received.

1569. That was after the ill-usage you have described; I only want to understand it thoroughly; that came from your father first, that if he were allowed to go home he would not vote for Colonel Higgins?—Yes; to the best of my belief.

1570. By the *Committee.*] What description of men were holding you; were they farm-people, labourers, or people of the town, and that sort of thing; artisans?—It is difficult to know one from the other; they dress all alike, but they were all the same class of persons; they were either the mob of the town or the neighbours of the town, the humbler classes.

1571. Mr. *Montague Smith.*] When you say the mob of the town, of course any persons assembling together may be called a mob; what class of persons were they; were they the lower classes of the town?—They were the lower classes; the labouring poor.

1572. Were they small tradesmen?—I do not know the town at all, so that I cannot describe them by their faces, but from their appearance, I know well they were what we call in Ireland the peasantry.

1573. By the *Committee.*] You do not know them personally?—No, I do not; in a very small town of that kind, it is not so easy to distinguish; perhaps there are not 200 houses in the town, but they are the same class of persons.

1574. Mr. *Montague Smith.*] Reverting to the order of the conversation when your father said that he would not vote for Colonel Higgins, was that after Mr. Conway had spoken about the dinner and bed?—I cannot exactly say whether it it was after or before; I would fancy it was after, but it is difficult to state the precise questions and answers.

1575. I believe you are right in saying it was after. Then when your father determined to go home, Mr. Conway got upon the car, by the side of your father?—He did.

1576. You were also upon the car?—Yes, upon the other side of the jaunting car; these jaunting cars face outwards.

1577. How far did Mr. Conway go with you?—Well, I think the mob and Mr. Conway came about a quarter of a mile, but I cannot be accurate as to that.

1578. Was the car in advance of the mob?—They were all round about us.

1579. Then, when Mr. Conway left you, did he shake hands with your father?—He shook hands with both my father and me, and parted.

1580. You went home; did Mr. Conway say on parting, with reference to what your father had said before, "Good-by, I am glad you are not going to vote for Colonel Higgins"?—Those were not the words, but what he said was: he grasped my father's hand, to the best of my recollection, and said, "Now, remember, Mr. Burke, your honour is pledged as a gentleman that you will not vote for Colonel Higgins at this election;" that is what I said awhile ago.

1581. Was that on the car?—That was on the car.

1582. And you sitting by?—And I sitting by.

1583. And you say those were the words, and not the words that I put to you, simply thanking him?—To the best of my recollection those were the words.

1584. To the best of your recollection?—In fact I cannot be mistaken, because I have so often thought about it that I cannot be mistaken. Those were the words.

1585. Sometimes the more one thinks the less accurate one is?—That is not the case here.

1586. Did you go into Ballinrobe on the following day, the Monday, the first day of polling?—I did.

1587. You say you met the military?—I did.

1588. Did the military, or Mr. Shiell, offer to escort your father back?—They did.

1589. And he declined?—Both of us declined, on the score of the awful state of excitement my father was in. I said it would be dangerous for him to return.

1590. By the *Committee.*] To return back into the town?—Yes. Mr. Shiell offered to escort us back into the town; in fact what he said was: "If you come back now, Mr. Burke, you can swear informations against Mr. Conway;" and I said, "No, I will return to-morrow morning; but, as to my father, he is not in a state to bring him back now; any excitement might be fatal to him."

1591. Mr. *Montague Smith.*] Then the next event you give is the event before you met the military, as to the hay and straw; the provender?—That is an event which occurred which I was asked about before.

1592. That occurred whilst Mr. Conway was in the car with you?—Precisely.

1593. You have stated that the words which Mr. Conway said were, "Do not scatter the hay and straw"?—I have.

1594. Were the mob, at the time he uttered those words, going towards the carts?—The mob had run on before us, part of them, to the carts; they were in the act of scattering it at the moment he used those words.

1595. Therefore they had begun to scatter it before he used those words?—They had.

1596. You have given us your evidence, that you understood these words in the inverse sense; and I think you said you told him some college story?—I did not tell him the story; I alluded to it.

1597. You alluded to it?—Yes.

1598. What did you say?—I said, "This reminds me of our old story, 'Do not nail his ears to the pump.'"

1599. Did you know Mr. Conway?—In the excitement of the moment I did not recollect his name, but I knew his appearance well.

1600. Had you known him in early days?—I have never met him but once before, travelling on Bianconi's car, which is a public conveyance in that country.

1601. Did you make this allusion in a jocular way?—No, I did not; he said, jocularly, to the people, "Boys, do not scatter it;" I did not say that I said it jocularly.

1602. At the time he said that, you say they had begun to scatter it?—They had.

1603. Did you go into Ballinrobe the next day?—I did.

1604. Did you take in some voters?—I did.

1605. Did they all poll for Colonel Higgins?—They did.

1606. Plumped?—They plumped.

 1607. All

1607. All of them?—Those four that I brought in; I brought in four, and they plumped for Higgins.

1608. Was your father one?—No, my father was not of the number.

1609. By the *Committee.*] Were you escorted?—Under a very strong escort; on Monday morning I was escorted.

1610. Mr. *Montague Smith.*] You were about Ballinrobe all that day, on Monday?—Yes, I was in Ballinrobe the whole of Monday.

1611. Did you go home to sleep on Monday?—I could not go home because there was no military escort; I could not leave the town.

1612. Did you sleep there?—I slept in Ballinrobe.

1613. On Tuesday, we understand, the poll was adjourned?—The poll was adjourned.

1614. At what time?—I think about three o'clock, but I could not be accurate as to the time; two or three o'clock.

1615. Did you make an affidavit, upon which the poll was adjourned?—My affidavit was one of the grounds upon which it was adjourned.

1616. By the *Committee.*] How long should it have been?—I think till four o'clock; I am not quite certain.

Mr. *Montague Smith* stated that four o'clock was the time for closing.

1617. By the *Committee.*] How many days?—Two days.

1618. This was the second day?—This was the second day.

1619. Mr. *Montague Smith.*] It was about three, you say?—I say it was about two or three, but I am not sure.

1620. You say that you made an affidavit, and yours was one of the affidavits upon which the sheriff or the deputy sheriff adjourned the poll?—Precisely.

1621. This was on Tuesday?—This was on Tuesday.

1622. Who was the deputy sheriff?—The deputy sheriff was Mr. Sharkie.

1623. Did your affidavit refer to the event of the Sunday night?—It did.

1624. And that only?—And that only.

1625. That affidavit of yours, referring to that event of the Sunday night, was one of the grounds upon which Mr. Sharkie adjourned the poll on Tuesday afternoon?—It was.

1626. By the *Committee.*] For how many hours was the poll open on the Wednesday?—I cannot tell that, because I did not stay; I left at 12 o'clock on Wednesday.

1627. Was it open on Wednesday till 12?—To the best of my belief. I had a great deal to do in the town on the Wednesday, but to the best of my belief it was; I think by law it should have been open up to five o'clock on Wednesday.

1628. When did you make this affidavit; on the Monday?—On the Tuesday.

The *Chairman* inquired at what hour the poll closed on the Wednesday.

Mr. *Montague Smith* stated that he believed at four o'clock; that it was open the whole of Wednesday.

1629. Mr. *Montague Smith.*] (To the Witness.) You were there; was there any relation in the cause and effect between what occurred on the Sunday night and the closing of the poll, which afforded any reason for closing the poll on Tuesday.

Mr. *O'Malley* objected to the question.

Mr. *Montague Smith* withdrew the question.

1630. By the *Committee.*] Was that the sole ground for adjourning the poll?—Certainly not; not the only ground.

1631. Mr. *Montague Smith.*] Did you make two affidavits?—No.

1632. Was the affidavit which you first made read, and were you told it was not strong enough?—It was read, but I was never told it was not strong enough.

1633. Was any remark made upon it?—Not to me, or in my hearing.

1634. Was it altered as you first prepared it?—Not to my knowledge; I am not aware that it was.

1635. Did you draw it up yourself?—It was prepared almost to my dictation by Mr. Coll Rochfort.

1636. What is Mr. Coll Rochfort?—He is a solicitor; he was acting for Colonel Higgins.

1637. Acting

1637. Acting as one of his agents?—Of course I took that for granted; but there was no alteration made, I am quite certain.

1638. By the *Committee.*] You say it was prepared almost at your dictation?—Yes; the word "almost" may convey two meanings. I mean to say that, first I was in communication with Mr. Rochfort; I told him the facts, and he wrote out the facts; and then when I saw the statement made by him, it was not exactly as I could swear it, and I made an alteration; that is what I mean to convey.

1639. Mr. *Montague Smith.*] I understand you to say, that you did not, before that alteration was made, hear any observation to the effect that it must be made stronger?—Not to the best of my recollection, certainly.

1640. Will you undertake to say it was not so?—It could not have been; it was quite, to all intents and purposes, strong enough.

1641. We need not reason upon it. Be good enough to answer the question. Is it to the best of your recollection only that you speak, or will you undertake to say that observation was not made?—Certainly not; it was not made, because I would recollect it if it were.

1642. Do you know that Mr. Conway came to your father's house on Tuesday evening, the day on which the poll was adjourned?—He did come there, but I was not there at the time.

1643. By the *Committee.*] Where to; Ower?—Yes, on Tuesday.

1644. How far is that?—Twelve miles from Ballinrobe.

1645. You cannot speak from your own knowledge why he went, or what too place between them?—No; but my mother and sister told me.

1646. It is not your own knowledge, it is only hearsay?—It is only hearsay.

1647. Mr. *Montague Smith.*] Did you hear from your father and mother what he had come out there for?—My father did not see him at all; I heard it; but it is only hearsay. I say my father never saw Mr. Conway at Ower that night.

1648. He might have given a message?—That I cannot say. I did not see him.

1649. Did you get a letter from your sister?—I did.

1650. Have you got it?—No.

1651. Where is it?—I have destroyed it; but to the best of my belief I can tell you exactly what was in it.

Mr. *O'Malley* objected.

1652. Mr. *Montague Smith.*] Will you tell me when you received the letter from your sister?—I received it upon the Wednesday morning.

1653. You say it is destroyed?—To the best of my belief it is destroyed. I have never seen it since, and I make a practice of destroying every letter. I mean letters that appear to me to be useless. That letter did appear to me at the time to be perfectly unimportant. When I speak of unimportant, I think I should almost like to explain about it. It may not appear unimportant to the other side.

1654. By the *Committee.*] We cannot take evidence as to what that letter contained. We must assume you thought it unimportant?—I assumed it was not an important letter.

1655. Mr. *Montague Smith.*] Was it given to you by Sir Robert Blosse?—No, it was not.

1656. By whom?—By a gentleman who I hear is called Mr. Adam Neill, but I am not certain of his name.

1657. At what time on the Wednesday morning?—I would say it was somewhere about nine or ten o'clock; I cannot say exactly.

1658. Where did you stay at Ballinrobe?—I slept at Ballinrobe in a house; really I forget the landlady's name. Mr. Griffin, who is here, will tell you; it was opposite to his; I cannot tell the name of the lady.

1659. Was it a private house or a lodging-house?—By my directions lodgings were taken there for me.

1660. You went from there to the Court-house?—Yes, I went early on Wednesday morning, before the opening of the poll.

1661. By the *Committee.*] Were you escorted to the poll when you went to vote?—I am not a voter. I perhaps may explain to you. On Wednesday morning, the morning we are talking about, I, not alone, went to the Court-house, but I could go all over the town without an escort, but every other day I dare not stir out without an escort, for fear of being killed.

1662. How do you account for that; the polling was going on on Wednesday

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as well as on Tuesday?—There was a proclamation from Father Peter Conway which cleared the streets.

1663. On Wednesday the poll was quite free?—On Wednesday the poll was quite free until I left the town certainly.

1664. Mr. *Montague Smith*]. Your father, we understand, is not here?—My father is not here.

Re-examined by Mr. *O'Malley*.

1665. That letter of which you speak, and which you received from your sister, did you receive it after the election had been postponed?—Oh, of course.

1666. And after this proclamation?—Oh, yes, because the proclamation was before I went out into the streets, and I received it after I went out into the streets on Wednesday morning.

1667. You mean that you received that letter after the tactics of the party had been changed from violence to peace?—The letter had nothing to say to that. Perhaps it might be as well to tell the Committee what the letter was; the letter had nothing to say to the election; it had to Peter Conway, but not to the election.

1668. By the *Committee*.] What was the colour of this proclamation?

Mr. *O'Malley* stated that it was the one of which the manuscript had been already proved.

1669. By the *Committee*.] Did I understand you to say that the officer who was in command of the escort, who proposed to take you back to Ballinrobe, said that you could swear an information against Mr. Peter Conway?—Yes.

1670. Were those the first words he said?—No.

1671. Was it in consequence of the complaint you made to him?—Yes.

1672. It was in consequence of the complaint of yours that he said, if he took you back to Ballinrobe, you must swear an information against Mr. Peter Conway?—I said to him what had occurred, and he said to me, "Come with me now, and I will bring your father in safety." "Oh, no," said I, "I will not bring him back now, for he is in too excited a state; I would fear to do that, for his life is of much consequence; I would fear to do that in the state of excitement in which he is." As I stated yesterday, he is of a very nervous temperament, though otherwise a very healthy man; but I feared that paralysis might ensue. "Well, but," said he, "you ought to swear informations against Father Peter Conway."

1673. He said that?—Something to that effect; that was the meaning of it.

1674. Did Father Conway hear that?—Oh, no, he was not with us at the time; what he meant to say was, or what I understood him to say was, that it was only right to swear an information against rioters; I understood him to mean I should swear an information against the rioters, including Father Peter Conway; I mentioned him specially; I stated, "I can swear it to-morrow as well, but as I came in charge of my father, I will bring him back safe again, and I will return again to-morrow with my father's voters to show I will not be intimidated," or some such words.

1675. What was the reason that took you back on Monday; to show you were not intimidated?—There were two reasons for going back on the Monday; I have no vote myself; one reason was, I wished to show Mr. Conway that I was not afraid, and the other was, that if I stayed away, having some slight position in the county, I was afraid that other persons would say, if Mr. Burke is attacked in this way, what will happen to us peasantry; I did not wish to set an example of fear.

1676. You had no conversation with Mr. Conway on your return, either on Monday, Tuesday, or Wednesday, at Ballinrobe?—No, he saluted me the minute I went to the Court, but I certainly never returned the salute on Monday.

1677. But you had no conversation with him?—Oh, never.

1678. Have you any reason to know whether your father could have voted on Wednesday, whether his health would have allowed him to vote on Wednesday?—On Wednesday he might have gone in, for there was no excitement, but he was not aware of that; oh, I am aware that he knew it was adjourned, but he could not have known the quiet state of the town, and unless it was perfectly quiet, I am quite convinced he could not have gone into the town; we live 11 miles from Ballinrobe, and on Tuesday night Mr. Conway went up to Ower; I was not there, but I am aware that he informed them the poll was adjourned.

1679. But

1679. But could he have gone to vote?—I know he could not have gone under the circumstances, because he did not know it would have been so quiet. *J. Burke*, Esq. 27 June 1857.

1680. But after the promise your father gave upon his honour not to vote under any circumstances, could he have done so, do your consider?—It is quite a matter of opinion.

1681. I thought you felt that your father was not bound, because you gave an answer sometime ago about that?—I am quite willing to give any answer upon the subject.

1682. Do you think he was bound?—I do not think he was bound at all by such a promise; I do not think he was bound by a promise made to save his life.

1683. That was quite what I gathered from you?—Oh, no, certainly not; if I had conceived myself bound by that promise, I would not myself have gone into Ballinrobe the next day, though I had not a vote, if it was to save my life I made it; if my father had known it was so quiet he could have gone.

[The Witness withdrew.

Joseph Bourke, Esq., was again called in; and further Examined.

Witness.] I wish to explain the evidence which I gave yesterday with regard to shouting in Claremorris; I was asked whether there was shouting for Colonel Higgins, and I said "No;" when we were coming from the square into the main street eight or ten of the men shouted for Colonel Higgins; I stated yesterday that there might be a shout given, but I was not sure; but thinking of it since, I thought it right to come in and state it, and not to allow the Committee to be under a misapprehension; they said, "Hurrah for Higgins!" *J. Bourke*, Esq.

1684. By the *Committee.*] Colonel Higgins's name was shouted?—Yes, by about 10 men coming out of the square into the street; that was before the stones were thrown.

Cross-examined by Mr. *Karslake.*

1685. Was this during the time the people were at mass?—It was just as we were going out of Clare, when the mob were getting round us.

1686. Had the people just come out from mass?—I did not see them come out from mass.

1687. Did you know they were come out from mass?—I was told they were come out from mass; we were not near them; I did not see them; it was at mass time.

1688. Just as the people were coming out of church?—Yes.

1689. You heard them shouting for Higgins?—Yes; eight or ten of the men cried "Hurrah for Higgins!" and just immediately after that the stones began to be thrown.

1690. Mr. *O'Malley.*] It is a considerable distance from the church?—Five hundred or six hundred yards from the chapel; there are two cross streets going to it.

1691. When this shouting took place I think you told us the other day, or just now, I forget which, it was by those men that came from the square into the main street?—Yes.

1692. Did you know that they were coming out from mass at the time?—I did not; I heard since they were; but I know it was at the end of mass; about the time it should be over.

1693. You had intended to go while they were in full mass, as we may say?—Yes; I stated so yesterday.

[The Witness withdrew.

Mr. *John Hearne* was called in; and, having been sworn, was Examined by Mr. *Hale*, as follows:

1694. DO you live at Ballinrobe?—Yes. Mr. *J. Hearne.*

1695. Are you an elector for the county of Mayo?—Yes.

1696. Are you clerk to the magistrates of Ballinrobe?—Yes.

1697. Do you recollect the last election for the county?—I do.

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1698. Prior to the election were you canvassed for your vote?—Yes.

1699. Were you canvassed on behalf of the Sitting Member?—I was.

1700. By whom?—By Mr. Conway, and by Mr. Moore himself.

1701. Do I understand you to say that Mr. Conway and Mr. Moore were in company when they canvassed you?—Yes, they came together.

1702. Will you state what passed at the canvass?—Mr. Moore said, "I have come, Mr. Hearne, to solicit your support and influence at the coming election." I said, "I have already made up my mind," or words to that effect, when he, Mr. Moore, interrupted me, and said, "Thank you," conceiving, as I suppose, he understood me to say that I had made up my mind to give my vote to him; but I then concluded my sentence and said, "Not to vote for you, Mr. Moore." Mr. Conway then came forward, and in a very familiar manner he urged me strongly to vote for Mr. Moore; I said, "Mr. Conway, you know my intentions;" he still urged me strongly.

1703. What was the result of your interview?—The result was, that after some pressing in that way Mr. Conway and Mr. Moore went away.

1704. Prior to that had you seen Mr. Conway in company with Mr. Moore in Ballinrobe?—I had, frequently.

1705. Where?—Mr. Moore came on that day to the town and put up at Mr. Conway's.

1706. And put up at Mr. Conway's house; were you present in Ballinrobe during the whole of the election?—Yes, I was.

1707. Did you hear Mr. Peter Conway address mobs?—Yes, I did.

1708. Did you hear what he said?—I heard part, but I did not attend particularly; however, the whole tenor of his harangues tended to deter electors from voting for Colonel Higgins.

1709. Did you see Mr. Moore addressing mobs from the same house?—I did after the election; I saw Mr. Moore and Mr. Conway together in Mr. Moore's carriage, when both addressed the people, but I was not close enough to hear what they said.

1710. Was that before the election?—It was before the election, the day Mr. Moore came to canvass; I think the Thursday before the election.

1711. In Mr. Moore's carriage?—In Mr. Moore's carriage; both appeared in the carriage.

1712. Was the carriage decorated?—I cannot say.

1713. Do you know Mr. Griffin?—Yes.

1714. Did you see him in the course of the election?—I did, frequently.

1715. Did you see him meet any mob?—Oh, yes, he was constantly surrounded by mobs.

1716. Tell the Committee what treatment he met with?—He was called names, and hooted.

1717. Did you see any voters attacked?—Yes, I did.

1718. In whose interest were they?—In Colonel Higgins's.

1719. How were they attacked?—I saw two gentlemen, one I knew to be a magistrate, pelted with dirt and sticks after voting for Colonel Higgins.

1720. By the *Committee.*] Did you see any similar treatment to the voters on the other side?—Oh, no, I did not; not at all.

1721. You saw two gentlemen pelted with mud and sticks?—Yes.

1722. After they had voted?—After they had voted; when they were going home.

1723. Mr. *Hale.*] Do you recollect the day after the election?—Yes.

1724. Did you see Mr. Moore address a mob then?—The day after the election; it was the day it was adjourned; the day the polling was adjourned; after the election; after four o'clock; that day I saw Mr. Moore at the window of the hotel.

1725. By the *Committee.*] You are now speaking of the Wednesday?—Yes.

1726. On what day was it these gentlemen were pelted with mud and sticks?—I think the second day, Monday or Tuesday, but I cannot say.

1727. It was not the Wednesday?—It was not the Wednesday; all was quiet on the Wednesday.

1728. Mr. *Hale.*] After four o'clock on Wednesday, you saw Mr. Moore?—Yes.

1729. At the hotel window?—Yes.

1730. Did you hear what he said?—I heard a great deal of what he said.

1731. Give

1731. Give me some of it?—He commenced his speech, or harangue it may be termed, by saying, "Where is Father Peter, where is your priest;" and the manner, you know, quite excited the people.

1732. Did Father Peter appear?—The deputy sheriff or returning officer, while Mr. Moore was speaking, drove by in a car.

1733. By the *Committee.*] Which deputy sheriff; I understood there were two?—For the Kilmain barony,

1734. What was his name?—Mr. Sharkie; when Mr. Moore saw this deputy sheriff leaving the town, he took that opportunity for addressing the people relative to him, and called him extraordinary names, and said that they had searched all Ireland to find a man for their purpose, and at last they hit upon him; he was pelted with stones going away, leaving the town.

1735. Mr. *Hale.*] You mean the deputy sheriff was assaulted as he was going away?—There were stones thrown; I cannot say that he was struck with them.

1736. By the *Committee.*] This was after the polling had taken place, and the booth was closed?—Yes, after the booth was closed on the Wednesday.

1737. Mr. *Hale.*] Did you see whether there was an escort with the under-sheriff?—Yes, there was an escort.

1738. After Mr. Moore had put this question about Father Peter, and the other carriage had gone away, did Father Peter appear?—He came very shortly after, full gallop, down the street, and got into the hotel, and up to the window, to speak.

1739. Up to the same window that Mr. Moore occupied?—The same window.

1740. Whose hotel is that in; what hotel?—Gildea's; the one that Mr. Moore had engaged.

1741. Mr. *Karslake.*] How do you know that, when you say that he had engaged it?—Why, there were placards over it, "Moore and Palmer."

1742. Mr. *Hale.*] Did you hear what Mr. Conway said?—No, I did not; I went away when he saw him come.

1743. Have you been accustomed to elections in Mayo?—No, I have not; this one only and another.

1744. By the *Committee.*] Can you tell me anything about the state of the poll; of the numbers on Monday and Tuesday?—I cannot.

Cross-examined by Mr. *Karslake.*

1745. You have never seen another election, except one?—No.

1746. When was that?—The election before the last.

1747. In 1852?—Yes.

1748. How long have you lived in Ballinrobe?—I have lived in Ballinrobe, I should say, about six or seven years.

1749. Let us just go to the day on which you saw Mr. Moore addressing the people after the poll was closed?—That was Wednesday.

1750. Were the numbers declared?—I do not know.

1751. Do you not know that it was known at that time who the successful candidates were?—I do not know of my own knowledge; I believe it was thought that Mr. Moore and Captain Palmer were.

1752. They thought so too, did they not?—I do not know.

1753. Did they address the people as the successful candidates, Mr. Moore and Captain Palmer?—Captain Palmer was not there. Mr. Moore addressed the people. I do not know that it was as the successful candidate, but he addressed them.

1754. Did he address them as the successful candidate at that time; did he say he had obtained the election?—Well, I could not say.

1755. Cannot you say whether he did or not?—I cannot say.

1756. How long did you stay listening to his speech?—A very short time indeed. I did not stay till he had finished.

1757. How long were you there?—I was there 10 or 15 minutes.

1758. You cannot tell whether he addressed the electors as the successful candidate or not?—I cannot say whether he addressed them in so many words, but I believe he was looked upon as the successful candidate.

1759. Did he address them representing himself as the successful candidate: you must know whether he did or not?—He had not been declared then.

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1760. Did he declare himself to be the successful candidate?—I cannot answer. I do not know.

1761. While you were listening to Mr. Moore, you saw Mr. Sharkie come down the town?—Yes.

1762. Did you see him, as he passed the hotel window, hold up the poll-book and wave it in that way (*describing the same*)?—After he had been pelted, after Mr. Moore had spoken in the way I have mentioned, he just held up the poll-book in that way (*describing the same*).

1763. He clapped his hands upon it, did not he?—He did.

1764. Was it then that the observation was made that you have referred to, by Mr. Moore, about Mr. Sharkie?—Not at all; it was before that.

1765. Was Mr. Sharkie the deputy sheriff who had adjourned the poll the day before?—Yes.

1766. On what day was it you first saw Mr. Moore in Ballinrobe?—It was on the Thursday before the polling.

1767. Was Friday the nomination day?—I believe so.

1768. At what time of the day did Mr. Moore come in upon that day?—I think about 12 o'clock; I am not positive about that, but he came in rather early in the day.

1769. Did you see him come in?—I did.

1770. He drove in?—He drove in.

1771. And Friday was the nomination day?—Yes.

1772. Did you see him on the Saturday?—No.

1773. Did you not see him again until the Monday?—Not until the Wednesday.

1774. Not until the Wednesday?—No.

1775. Then the only day you saw him in Ballinrobe before the election was on the Thursday?—On the Thursday, and the evening of Wednesday; that was the last day of the poll.

1776. But I say the first time was on the Thursday?—Yes.

1777. The nomination took place on Friday. You did not see him on Saturday, Sunday, Monday, or Tuesday, and you saw him after the close of the poll on Wednesday?—Yes.

1778. How far do you live from Mr. Conway's house?—About 200 yards, I think.

1779. Mr. Conway has long been resident in Ballinrobe?—Yes.

1780. He knows every voter there, I suppose?—I suppose he does.

Re-examined by Mr. *O'Malley*.

1781. You say that Mr. Sharkie held up the poll-book?—Yes.

1782. Did he say anything about protection for the poll-book?—I could not hear. There was such a yelling and shouting I could not hear what he said at all, if he said anything.

1783. Did it appear to you that he did it for the purpose of obtaining protection for the poll-book. My learned friend put it to you as if he did it in a taunting and irritating way in doing that which you describe?—I cannot say what he did it for.

1784. By the *Committee*.] Are you a Roman-catholic?—No, I am a Protestant.

[The Witness withdrew.

John Griffin, Esq., was called in; and having been sworn, was Examined by Mr. *O'Malley*, as follows:

J. Griffin, Esq.

1785. YOU are an attorney and solicitor?—Yes.

1786. Where do you reside?—Occasionally in Ballinrobe, and sometimes in Dublin.

1787. Were you in Ballinrobe on Sunday the 5th of April?—I was.

1788. Did you receive some information about Mr. Conway in the morning of Sunday?—About 10 o'clock in the morning.

1789. Did you do anything in consequence of that?—A message came to me from the hotel which I had taken; I received information as to Mr. Conway, and in consequence of the information which I received, I went to the hotel at Ballinrobe, which I had taken for Colonel Higgins's freeholders.

1790. By

1790. By the *Committee.*] You are Colonel Higgins's agent?—I was one of his agents.

1791. What day was this?—Sunday.

1792. Mr. *O'Malley.*] You went down to Mr. Monaghan's hotel in consequence?—Yes.

1793. Was that the hotel where Colonel Higgins' supporters were?—Where the freeholders and tenants of Lady de Clifford were.

1794. Was Lady de Clifford supporting Colonel Higgins?—Yes, very warmly.

1795. There were at that time some of her freeholders at the hotel?—Yes; they had been brought there the night before.

1796. They were there?—They were.

1797. When you went to the hotel, whom did you find there?—I found the Rev. Peter Conway and Mr. Courtney Kenny, the magistrate.

1798. Mr. Courtney Kenny was a supporter of Colonel Higgins?—Yes.

1799. What was Mr. Conway doing?—When I entered the room I found him speaking to the freeholders; whispering them; sometimes very friendly, at other times rather warmly, and in an excited way, and asking them to go to mass. I said, "Mr. Conway, these men can go to mass if they please, but I, from the observations which you made last night in the public street, took the precaution to be with them this morning at eight o'clock, at which hour I understood another clergyman was to officiate, and I offered to bring them down to mass myself, and to give them protection, and they refused me then, stating that they were afraid. I think if left to themselves they will give you the same answer now, but leave them to themselves, and let them say whether they shall go or not. This is a free country, and every man should do as he likes."

1800. By the *Committee.*] Were those men parishioners of Mr. Conway, or strangers?—Strangers; I observed that to him also.

1801. Mr. *O'Malley.*] Did you tell him what they were afraid of?—Yes, afraid of being attacked by the mob.

1802. Well?—He persevered, and I said, "Mr. Conway, I have a very great respect for you, but I am here as Colonel Higgins's agent, and I have a duty to him to discharge, and I must remind you that you are a trespasser in this house; this house is Colonel Higgins's, and I must ask you to retire."

1803. Did you propose to him supplying them with anything?—I did not, but Mr. Kenny did; Mr. Kenny said, "As you attach so much importance to these men hearing mass, why not celebrate mass for them here."

1804. You are a Roman-catholic yourself?—I am.

1805. It is not an uncommon thing to celebrate mass in a private house?—I have seen it frequently.

1806. Did he accede to that?—No; then I said, "Mr. Conway, you will excuse my remarking that I consider that your asking these men to go to mass merely a pretext for electioneering purposes."

1807. Did you find it very difficult to get rid of Mr. Conway?—Most difficult; I had to go for a stipendiary magistrate.

1808. And at last upon his remonstrance Mr. Conway went away, I believe?—He did.

1809. At four o'clock of that day, did you receive information of Mr. Bourke's freeholders coming in?—About three o'clock, Mr. Bourke sent in his steward to me to say, that the Claremorris freeholders——

Mr. *Karslake* objected.

1810. You received a message?—I received a message stating that the Claremorris freeholders were coming in.

1811. And then you sent out an escort, I believe?—In consequence of the message sent to me, I did.

1812. Did you come to the lane, or were you in the lane when they arrived?—I stood at the Court-house, which immediately fronts the road by which they were to come into the town, expecting them to conduct them to the place I had prepared for them; they did not come down to where I was, they turned up a back street.

1813. That back street would lead them to the back yard gate of Monaghan's Hotel?—The back street would lead them to the lane which led into Monaghan's Hotel; I immediately then went up to the lane.

1814. By the *Committee.*] We had it in evidence from Mr. Rutledge, that

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he was obliged to send into the town to give notice that the force he had to escort the voters he was bringing up, was not sufficient in consequence of the riotous proceedings of the mob; was that application made to you?—Yes, as the agent, to have a party sent out.

1815. And it was in consequence of that that Mr. Rutledge had an increased escort sent to him on the road?—Exactly so; I was going to state that.

1816. Mr. *O'Malley.*] You went to the lane, you say?—I did.

1817. I do not want to reiterate again and again all that occurred in that lane; you, as the agent, have had the privilege of being in the room here during the examination of the witnesses?—I have had the privilege.

1818. Have you heard the statement of the witnesses respecting the transactions in that lane?—I have.

1819. Was that a correct statement according to your recollection?—Substantially, with this difference: that I, after hearing what I considere d to bea curse——

1820. Mr. *Karslake.*] Tell us what you heard?—After I heard the curse——

1821. Mr. *O'Malley.*] Do you speak Irish?—No, I do not speak Irish.

1822. Can you understand it?—I can; if a man speaks to me, by connecting one word with another, I can generally glean what he means.

1823. You say you heard what you understood to be a curse?—Yes; I retired when I heard it, I was very sorry to hear it, and I retired for a few minutes.

1824. By the *Committee.*] Having heard Mr. Conway speak these Irish words, were you capable of sufficiently understanding the Irish language to know at that moment it was a curse?—O yes, decidedly; I could not be mistaken.

1825. Mr. *O'Malley.*] You say you retired?—I did; I was very sorry to be there at all, because I knew the position it would place me in again.

1826. Where did you go to?—I retired for a minute or so, and when I came out, I heard that Mr. Bourke's son was obliged, from the flinging of the stones, which I saw myself——

1827. Did you see the flinging of the stones?—I did; I heard that he was presenting a pistol, and the place being a narrow one, and the mob being excited, I went out to speak to him, and to tell him it was better not to do any such thing, to quiet him.

1828. Did you see the horses backed?—I did; hats thrown in their faces, and the men kicked going into the yard. I was one side of them myself.

1829. You say you saw the men kicked?—I did.

1830. Going into the yard?—Yes.

1831. After they had got into the yard, was it safe for them to go out again?—No, certainly not.

1832. From what did the danger arise?—From the excited state of the mob.

1833. Was the mob besieging the house?—Oh, yes.

1834. Completely?—Completely; it was a regular siege.

1835. Do you think that any man known to be a voter for Colonel Higgins could have left the house at that time with safety to his life?—

Mr. *Karslake* objected to the question.

1836. What was the character of the mob?—Most excited and most violent.

1837. Was the aspect of the mob threatening?—In the highest degree.

1838. Would you have felt it yourself unsafe to have ventured out at that time?—I did feel it unsafe; I waited for about an hour or an hour and a quarter at the hotel, until I thought matters became more quiet; I was anxious to get into the town.

1839. How far do you live from that hotel?—I could make to it, by the short passage which I had to make on this occasion, in about 300 or 400 yards.

1840. When you expected it to be a little more quiet, you endeavoured to get home?—I did.

1841. Then did you go through the yard?—No, I went out at the street-door; I was going down to Mr. Mains's house between the mob and the houses, quietly going down to escape observation, if I could.

1842. Who is Mr. Mains?—He keeps a shop in the town.

1843. When you got down as far as Mr. Mains's, did you see Mr. Conway?—Yes; I could not make great way for the people; and before I got far, before I got to Mr. Gore Keighly's house, which just adjoins Mr. Mains', I suddenly heard Father Conway addressing the mob from Mr. Mains' window.

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1844. Will you just tell us exactly what you heard him say?—Well, I cannot promise to give you his exact words.

1845. As near as you can?—I can give you the substance of it. He said that the supporters of Colonel Higgins, the traitor, had come in, and that they had escaped them; that others were coming in on the Neill-road, and he wanted 200 men.

1846. Did he say anything about meeting?—He said he wanted 200 men to meet them. "Come, boys," he said, "let 200 of you go up to my house, 100 to remain on either side of the street;" they should pass by his house in order to get into the hotel.

1847. The voters coming up from the Neill-road would have to pass his house to get to the hotel?—Yes.

1848. Do I understand you that the voters, supposing the mob to be arranged in that way, one body on one side of the street and one on the other, near his house, the voters would have to pass through the two lines?—Yes.

1849. To run the gauntlet?—Yes.

1850. I believe you went away?—I then thought it my duty to make home as quickly as I could in order to inform the magistrate, and to obtain a reinforcement.

1851. On your way did you see Mr. Conway?—Before I could make any progress to my house, or go in fact three or four yards, Mr. Conway had ceased speaking, and approached where I was.

1852. By the *Committee.*] He came out of Mr. Mains' house?—Yes; he then raised his hands, and said, "Oh! oh! oh!" as if I had been after committing a murder, or something.

1853. Did he follow you?—No, he did not.

1854. Did he say anything more?—No, he did not then; he then turned round to the opposite side of the street, where Mr. Tighe was standing at his door, a supporter of Colonel Higgins, and did the same to him; the moment he had done so, I was assailed on all sides, groaned, and hissed, and abused in every shape and form.

1855. Were you struck?—Not on that occasion.

1856. Mr. *O'Malley.*] How did you effect your retreat home?—I had to wait there for some time; Mr. Tighe's door was open, and I went across, and I went down home by his garden and yard.

1857. You heard Mr. Conway say that the freeholders were coming in by the Neill-road?—Yes; and 50 others heard him.

1858. Did you, as agent of Colonel Higgins, expect them in?—I did.

1859. Did they reach their destination in safety?—I got home, and the first thing I heard——

1860. Mr. *Karslake.*] Do not tell us what you heard?—Well, they did not come in.

1861. Mr. *O'Malley.*] Whether they came into the town or not, they did not come past Mr. Conway's house, at all events?—They were intercepted about half a mile——

1862. Mr. *Karslake.*] Did you see them intercepted?—I did not.

1863. Mr. *O'Malley.*] Were they Mr. Bourke, of Owers's, voters?—Mr. Bourke, of Owers's, voters, and voters on Mr. Baker's property, of Ballymagibbin.

1864. All you know is, that a large body of freeholders which you expected to be marching in at about that time by the Neill-road, did not reach their destination?—Certainly not; and General Anderson's freeholders were coming in, too, at the same time.

1865. Were you engaged in conducting freeholders to the polling-booths on the day of the election?—Yes.

1866. Did you find that an easy matter, or difficult?—I could not attempt it without the aid of a strong escort.

1867. You could not attempt it without?—No; it was idle to think of it.

1868. Did you see Mr. Conway in the course of the election addressing mobs? I did.

1869. In different parts of the town?—Oh, yes.

1870. Did it, in point of fact, appear to you that wherever Mr. Conway went, he was attended by violent and excited mobs?—Oh, certainly; he would not have gained his object if they were not excited.

1871. Did it appear to you that he had a control over the mob?—Unlimited control; he could do what he liked.

1872. Was the mob obstructing the voters of Colonel Higgins going up to the poll, which rendered a military escort necessary?—Yes.

1873. Had you to employ drivers of cars?—I had.

1874. Did you fail in obtaining the services of the drivers in consequence of that intimidation?—Yes; if I wanted to send for freeholders at nine o'clock at night, it was only by night we should attempt to get them in; I could not get the drivers to be ready through one excuse or another, from the fear of personal injury to themselves, until about four or five o'clock in the morning; they were no sooner on their cars than they got off again, and they hid, afraid.

1875. Do you know Mr. Ward and Mr. Cochrane, and Mr. Strachan?—I do.

1876. Do you remember when they voted?—I remember when Mr. Ward came in, early on the Monday morning; I saw him taken off his car by force by the mob; I saw him taken into Mr. Moore's and Captain Palmer's committee-room.

1877. By the *Committee.*] What day was that?—Monday.

1878. Was he forcibly dragged, or went in of his own accord?—Oh, dragged by force, after beseeching them.

1879. Mr. *O'Malley.*] Well?—He was dragged in by force and dragged up stairs; I immediately apprised the stipendiary magistrate, and he refused to act without sworn informations, as well as I now recollect; and Mr. Ward's son——

Mr. *Karslake.*] Do not state that.

1880. Mr. *O'Malley.*] Was Mr. Ward afterwards rescued from that house?—The stipendiary magistrate had to go in, having been struck when going in.

1881. The magistrate struck?—The magistrate struck.

1882. Mr. *Karslake.*] You were with him, I suppose?—Indeed I was.

1883. Mr. *O'Malley.*] What was his name?—Mr. Shiell.

1884. What was he struck with?—Dirt thrown on him.

1885. By the *Committee.*] Did Mr. Ward's son make a declaration?—He did, as well as I can now recollect.

1886. Mr. *Karslake.*] It was in writing, I suppose, if it was made?—Of course. A declaration, I believe, must be in writing. It was not a verbal declaration.

1887. Mr. *O'Malley.*] We do not want to know what the declaration was; at all events, he said that he must have an information in order to act; and he did afterwards act?—He did go in and release Mr. Ward; Mr. Ward then came to poll.

1888. By the *Committee.*] How did he vote?—He voted for Colonel Higgins. After polling he remained a considerable time in the Court-house, not wishing to go out immediately after. I was in the street when he went out. I saw him taken, and twisted and turned, and knocked down; they waltzed him round regularly.

1889. Mr. *O'Malley.*] Well?—I saw Mr. Cochrane afterwards, in the course of the day, struck.

1890. Was Mr. Cochrane a voter?—He was.

1891. Where did you see him struck?—In the middle of the street.

1892. Was he going up to vote?—After voting; he went up with the escort to vote; and he thought, being well known, he might escape.

1893. He went up with the escort to vote?—Yes.

1894. And was coming away?—He was coming away; being a gentleman well known, he thought he might escape.

1895. Then you saw him struck?—I did.

1896. How was he struck?—His coat was taken, and pulled, and he was shoved, and he was thumped.

1897. Mr. Strachan you spoke of?—I saw him beaten too.

1898. Did that happen in the same way, after he had voted?—Yes; he, in order to escape, if he could, put a palm in his hat. It was Palm week, and he put a palm in his hat, thinking he was——

1899. Mr. *Karslake.*] Do not tell us what he thought?—Well, he had a palm in his hat, and he told me——

1900. Do not tell us what he told you?—Very well.

1901. Mr. *O'Malley.*] He put a palm in his hat; what did he do?—It did not obtain him the protection he thought, and he was beaten.

1902. I believe

1902. I believe you yourself were struck?—I was; I got a blow of a stone in the eye.

1903. You know Mr. Lewin and Mr. Cannon?—I do.

1904. Were they voters?—They were; at least Mr. Cannon was a voter. I am not sure of Mr. Lewin; I rather think he was; but however, he came in with his freeholders, his tenants.

1905. Was this immediately before going to the booth, or coming from it, that they were struck?—I accompanied Mr. Lewin to the booth with his freeholders and their escort; he was not struck that time, but he was struck afterwards, going home in his gig, and Mr. Cameron along with him.

1906. Do you know two voters of the name of Michael Conway and Pat Conway?—Yes, I do; I sent for them by an agent of Colonel Higgins, to bring them into the town, to vote for Colonel Higgins.

1907. At the election Captain Palmer and Mr. Moore, you say, had their committee together?—Oh yes; they were thoroughly identified.

1908. The real run was understood to be between Mr. Moore and Colonel Higgins?—That was the tie.

1909. And many of Colonel Higgins's supporters were in consequence polling plumpers, plumping for him?—Yes, almost all his supporters plumped for him.

1910. Did a great number of the Protestant gentry and clergy of the county plump for him?—Yes; every liberal-minded man he had the support of, almost.

1911. You say Protestant gentlemen and clergymen; I believe the Protestant clergymen, almost to a man, voted for him?—In Ballinrobe I saw the Rev. Mr. Anderson split for him, give one vote to Captain Palmer and the other to Colonel Higgins. I saw the Rev. Mr. M'Clintock do the same; and I saw the Rev. Mr. Moore plump for Colonel Higgins.

1912. A Protestant clergyman?—Yes.

1913. At that time was it understood that a vote split between Mr. Moore and Colonel Higgins was thrown away?—

Mr. *Karslake* objected to the question.

1914. Did you understand it so?—I always solicited plumpers for Colonel Higgins.

1915. Can you tell me at that time of the election would the value of a vote to Colonel Higgins be nullified by a vote given to Mr. Moore?—Certainly, it was perfectly useless to him.

1916. Did you know two voters of the name of Michael Conway and Pat Conway?—I did, and do.

1917. Were they before the election supporters of Colonel Higgins?—Yes, so much so that I calculated upon them, and I sent the agent of Colonel Higgins for them.

1918. Did they come up with the agent of Colonel Higgins?—No; they were afraid to be seen coming into the town with him.

Mr. *Karslake* objected.

Witness.] They told me themselves.

1919. Mr. *O'Malley.*] When did you see the two Conways?—I saw them taken by the mob, by force, and brought in to the poll.

1920. Was that the first time you saw them?—Yes.

1921. By the *Committee.*] I understood they did not come?—They did; they were taken from Colonel Higgins.

1922. You sent for them to vote for Colonel Higgins?—Yes.

1923. I understood you to say they did not come?—They came close to the town and then left him, being afraid, as they afterwards stated to me, to be seen.

1924. You do not know that they came near the town, I presume?—I saw them in the town.

1925. You do not know that they came near to the town?—The agent I sent for them told me.

1926. That will not do?—They told me so themselves.

1927. Mr. *O'Malley.*] Did you see those voters at the election?—I did.

1928. Now, you were telling us about their being taken away?—I saw them taken, so I knew then they would vote against Colonel Higgins.

1929. Whom did you see them in the custody of?—With the mob.

 1930. Where

1930. Where was that?—At the corner, at Mr. Hearne's corner, as well as I recollect; I cannot speak exactly.

1931. By the *Committee.*] On what day was that?—I think the second day of the election, on Tuesday.

1932. Mr. *O'Malley.*] That was the way you expected them, that they would come in that direction of Hearne's corner?—They could come that way.

1933. You say the first you saw of those voters, whom you had sent for and expected to come, was that you saw them at Hearne's corner, in the custody of the mob?—Yes.

1934. Was that the mob of which you have spoken as parading about the town under the control of Mr. Conway?—That was the mob.

1935. Did you see, afterwards, Michael or either of them brought up to the poll?—I saw them brought up to the polling place of the barony of Kilmain, and both I knew would be lost; I followed them up.

1936. You saw them brought up by the mob?—Yes; and as well as I now recollect, Mr. Rochfort retired from the booth for a moment.

1937. By the *Committee.*] Who was he?—The agent in the booth.

1938. Colonel Higgins's agent?—Yes; in order to let those men see what they were doing, I got the questions and the oath put to them, "Had they voted before?"

1939. Mr. *O'Malley.*] What is the oath?—That they are the parties on the register.

1940. The question put was whether they had voted before?—Yes; one of them gave the sheriff an answer that he had.

1941. Which was that?—I think that was Michael, as well as I recollect.

1942. That he had voted before?—Yes.

1943. You have ascertained from the poll-book that he had not?—He did not vote before. The other voted for Mr. Moore and Captain Palmer; certainly not for Colonel Higgins.

1944. Was that Pat Conway?—Either Pat or Michael, I am not certain which.

1945. *Committee.*] If you are not certain whether he did vote for Mr. Moore or Captain Palmer, perhaps you will say that he did not vote for Colonel Higgins?—He did not vote for Colonel Higgins.

1946. Mr. *O'Malley.*] The other polled?—Polled against Colonel Higgins; I cannot say which it was; I think it was Michael Conway who answered that he voted; I think it was Pat that voted against him. Then I met the Conways; they were clients of mine; I met them afterwards.

1947. *Committee.*] The same day?—No; some time afterwards.

1948. How long afterwards?—I think in about a fortnight; I cannot be precise as to the time; and I asked this man——

1949. Mr. *O'Malley.*] Do you know a person of the name of William Regan?—Yes.

1950. Did I understand you whether Michael Conway or Pat Conway had promised you to vote?—Yes; they came in to vote for Colonel Higgins.

1951. But had they promised you?—Not me individually.

1952. You had expected them to vote, and had sent for the agent of Colonel Higgins?—They were on the list of Colonel Higgins's supporters.

1953. What agent was it?—A man of the name of Thomas Burke.

1954. Now, William Regan, you say?—Yes.

1955. Was he a voter?—He was.

1956. Had he promised to vote for Colonel Higgins?—Oh, in the most——

1957. Mr. *Karslake.*] Did he promise you?—He did.

1958. Mr. *O'Malley.*] Without your asking him?—Yes; he would do anything, he said, to support Colonel Higgins in the opposition got up against him.

1959. Did you see him during the election?—He did not vote at all; he lives in the town of Ballinrobe, within a few yards of the Court-house.

1960. You did not see him, I believe?—I saw him in his shop; I passed by his house, but I did not see him there. He did not vote, so far as I can know and believe; I cannot give you hearsay evidence.

1961. But did you try to get him to vote at that time?—No, I did not.

1962. Where did you see him afterwards?—I have not spoken to him at all; I did not speak to him.

1963. All you know is, that he did not vote?—He did not vote; I have not spoken to him.

1964. What I want to know is this; did you have any conversation with him during the time of the election, with reference to his going up to vote?—No, I had not; I had a day or two before, unsolicited on my part; he volunteered it.

1965. Was that after he had promised you to vote?—I met him frequently in the reading-room.

1966. Had you any conversation with him during the election, either before or after you expected him to poll, in which he assigned his reason for not voting?—No.

1967. You had not?—No.

1968. Now there is a man of the name of Feargus, I think?—Yes.

1969. Was he a voter?—He was.

1970. Had he promised to vote for Colonel Higgins?—Most warmly.

1971. Mr. *Karslake.*] Promised you?—Yes.

1972. Mr. *O'Malley.*] Where did he live?—Within a few yards of the Court-house.

1973. In the town of Ballinrobe?—Yes.

1974. Did he vote?—He did.

1975. Who did he vote for?—For Mr. Moore and Captain Palmer.

1976. Had you any conversation with him about his vote?—Yes.

1977. At the time?—Before the election; in consequence of what I had heard I went to his house.

1978. You say that you went to his house?—I did in consequence of what I had heard; I asked him, was it true——

Mr. *Karslake* objected to any conversation which had taken place between the witness and the voter being given in evidence. His friend was seeking to prove by means of Mr. Griffin, the agent, that certain promises were made and broken, and that the voter did not vote as he had promised. He objected to secondary evidence being given to prove that which could be obtained from the mouth of the voter himself.

Mr. *O'Malley* submitted that the testimony of the voter was not a bit better evidence than the evidence of the witness with whom the voter had conversed. Nothing could be more important than to know whether the voter was canvassed, and whether he promised.

Mr. *Karslake* was heard in reply.

Counsel and parties were ordered to withdraw.

The Committee deliberated.

After a considerable time, Counsel and parties were called in and informed by the Chairman, that the Committee had come to the decision to hear the statement of the witness as to what passed between himself and Mr. Feargus, subject to any restrictions which the Committee might find it necessary to put upon him in the course of his evidence.

[Adjourned till Monday next, at Eleven o'clock.

Lunæ, 29° *die Junii*, 1857.

The Names of the Members called over: all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

John Griffin, Esq., was again called in; and further Examined by Mr. *O'Malley*, as follows:

THE *Chairman* informed Mr. Griffin that the decision at which the Committee arrived on their last day of sitting was, that, in stating what took place between himself and Mr. Fergus, he might state to the Committee whatever Mr. Fergus told him regarding himself, but not anything regarding anybody else; that the witness must not refer in that respect to statements relating to third parties.

J. Griffin, Esq.

29 June 1857.

1979. Mr. *O'Malley*.] You say that, in consequence of something that you heard about Mr. Fergus, you went to him again?—I did.

1980. What did you say to him?—I asked him was it true what I had heard, that his house was surrounded by a mob, and that he was induced to change his mind, and to promise to vote for Mr. Moore, and not for Colonel Higgins. He said it was quite true, that he had been obliged, for his own protection, to promise to vote for Mr. Moore, and to promise not to vote for Colonel Higgins, and that he did so with extreme regret. There was present at that conversation——

1981. By the *Committee*.] What conversation, your conversation?—Yes, with Mr. Fergus; there was present, Mr. Jennings, of Mount Jennings. I said that, under the circumstances, where he was so apprehensive of injury to his trade, I could not press him.

1982. What is his trade?—He is a shopkeeper in the town, that I could not press him.

1983. Had the mob threatened to interfere with his trade, or anything of that sort?—He said that he dreaded interference with his trade.

1984. It was not his life, or anything of that sort, that he dreaded?—He did not say so. I said, under the circumstances, I would not press him; and he again expressed his great regret.

1985. How did he vote?—He voted for Moore and Palmer.

1986. Do you know that of your own knowledge?—I do, I was present.

1987. Mr. *O'Malley*.] I want just to ask you a question which I omitted yesterday, before I go farther; did you, in the course of those three days, see Mr. Moore in the town of Ballinrobe?—I saw Mr. Moore in Ballinrobe on the Wednesday, at four o'clock, when the polling closed.

1988. By the *Committee*.] Was Mr. Moore present on the other days as well?—No, he was not.

1989. At least, you did not see him?—I did not see him, but he could not be there without my knowledge.

1990. Mr. *O'Malley*.] On the Wednesday where did you see him?—I saw Mr. Moore after the close of the poll, and after addressing the people in Ballinrobe, I saw him pass by the main street, in company with Father Conway and the Rev. Mr. Curley, and some other priests; I saw him go towards Mr. Conway's house.

1991. Was he on foot or in a carriage?—They walked; there was great cheering too.

1992. By the *Committee*.] Do you say "into" or "towards" Mr. Conway's house?—Towards Mr. Conway's house, in his company.

1993. You

1993. You say there were third persons?—There were some other priests whom I did not know; in fact I did not care to present myself at the window of the house as they passed by.

1994. Mr. *O'Malley.*] Well?—Soon after they got into Mr. Conway's house——

1995. Mr. *Karslake.*] Did you see them go into Mr. Conway's house?—I saw them go towards Mr. Conway's house; I do not know that they went in; I supposed they did.

1996. Mr. *O'Malley.*] You saw him go towards Mr. Conway's house?—I did.

1997. After that time, when you saw him go in the direction of Mr. Conway's house, when did you again see him?—I saw him after returning on his way home on a car, in company with the Rev. Mr. Curley.

1998. By the *Committee.*] That was the next time you saw him?—Yes.

1999. Mr. *O'Malley.*] What direction was he coming in then?—From Father Conway's; and between the period of his coming and returning I saw an ass driven through the town, with printed letters, with Colonel Higgins's name on a printed paper across it.

2000. You say you saw Mr. Conway during the election very often in the town?—Very.

2001. Did you see him driving in a carriage before the election?—I did.

2002. On what day?—I think it was the Sunday before the election.

2003. That was the 5th?—No, the Sunday week, that was; I cannot be precise as to the day, but I certainly saw him three or four days or five days before the election.

2004. Whose carriage was it?—Mr. Moore's.

2005. Was it decorated?—Yes, there were green branches at the horses' heads.

2006. Were you in the booth where Mr. Conway was during the time of the election?—I was; he was the first to poll there; and I saw him there repeatedly afterwards.

2007. Did you see Mr. Conway do anything to the voters who voted on behalf of Mr. Moore and Captain Palmer?—I saw him cheer them on, and when they gave their votes, pat them on the back, and say he was much obliged to them.

2008. By the *Committee.*] For Mr. Moore that was?—For Mr. Moore and Captain Palmer.

2009. Mr. *O'Malley.*] Did you see by whom Mr. Moore's supporters were brought in?—I did.

2010. By whom?—By the clergy; by the Roman-catholic priests.

2011. By the *Committee.*] Some came in without that, I suppose; but you mean that you saw the Roman-catholic priests bring some in. There were, I suppose voters, who did come in without being brought in; did they come in in bodies?—They came in in bodies; there were very few by themselves.

2012. Mr. *O'Malley.*] Do you know what a tally clerk means?—I do.

2013. What?—A man bringing up voters; men who bring up the freeholders, and who have them arranged to vote according to previous arrangement entered into by the agents.

2014. You saw them, you say, bringing them up as tally agents?—I did see them most active, and the best agents in the world they are.

2015. They may turn out the reverse?—Well, in securing a majority.

2016. Do you know a man of the name of Michael M'Dermott?—I do.

2017. Was he a voter?—He was.

2018. Did he vote at the election?—He did not.

2019. Had he promised to vote for Colonel Higgins?—He promised me repeatedly; I wanted him up, and he was in the polling place; he was always promising me, "Wait awhile, wait awhile, there are people here; it will be time enough; I do not wish to vote while they are present."

2020. That was what he said to you?—Yes, that is the substance; I do not undertake to give his very words; that is the substance of what he said.

2021. By the *Committee.*] What is M'Dermott?—He keeps a shop in Ballyglass; he his a tenant of Mr. Valentine Blake's.

2022. Where is Ballyglass?—In the county of Mayo, six or seven miles from Ballinrobe.

2023. Mr. *O'Malley.*] Who is Mr. Valentine Blake?—He is a magistrate and deputy

deputy lieutenant; a man of very extensive estate in the county of Mayo; a first-class man in that county; I know him to be a supporter of Colonel Higgins, and I saw him with him in Ballinrobe.

2024. Is that Mr. Blake, of Tower-hill?—Mr. Blake, of Tower-hill.

2025. A son-in-law of Lord French's, I believe?—Yes.

2026. And brother-in-law of the O'Connor Don?—Yes.

2027. By the *Committee.*] Did this man vote at all?—He did not.

2028. Neither for one side nor the other?—No.

2029. I mean M'Dermott?—M'Dermott.

2030. You say that he answered you, "I do not wish to vote till those people are gone"?—Yes.

2031. Where did that conversation take place?—In the polling-place; I went to him repeatedly.

2032. This was not in his own house?—No.

2033. Mr. *O'Malley.*] He did go up to the place?—He did go up to the polling-place; I was repeatedly urging him to vote.

2034. He was afraid, was he?—I met him some days before that, on the way from Castlebar; I passed by his house, and he said he would vote for Colonel Higgins; and it was a hard case if he would not be returned.

2035. Do you know Patrick King?—Yes.

2036. Has he a vote?—He has.

2037. Did he vote for Colonel Higgins?—No; he promised me to vote for Colonel Higgins; he came in on the adjourned day, brought in by the Very Rev. Mr. Reynolds.

2038. Mr. *Karslake.*] You saw him?—Yes, I saw him.

2039. By the *Committee.*] On the adjourned day?—Yes.

2040. He came in, how?—In a gig with the Very Rev. Mr. Reynolds.

2041. Mr. *O'Malley.*] Is Mr. Reynolds a parish priest?—He is.

2042. You call him the Very Reverend?—Yes; I do not know exactly what he is; his title is the Very Reverend.

2043. By the *Committee.*] Is he a dean?—No, he is not; he is the master of conference.

2044. Mr. *O'Malley.*] Do you know what he is in the church?—I do not; I know he is designated in that way.

2045. He came in in a gig you say?—Yes.

2046. Whom did he poll him for?—He brought him to the polling-place; he brought him so prominently that the deputy sheriff asked me for the name of the reverend gentlemen, which I gave him.

2047. By the *Committee.*] What do you mean by "brought him so prominently"?—He was leaning on him, as he brought him up; the man was evidently very reluctant to break the promise he had made.

2048. Mr. *O'Malley.*] Did it appear to you as if the reverend gentleman was taking very good care of him?—Oh, there is no doubt of that.

2049. Did it appear to you that it was necessary for the reverend gentleman to do so?—I know the man looked very pale.

2050. Did he appear reluctant?—I think the man was very reluctant to break the promise he had made me at Holly Mount.

2051. By the *Committee.*] You cannot say whether he was reluctant to poll?—I cannot, of course, speak beyond that.

2052. Mr. *O'Malley.*] What did he do afterwards?—He plumped for Mr. Moore. I beg your pardon; I think it right to state at the same time that when I canvassed him he told me he would split his vote for Mr. Moore and Colonel Higgins. It is only right that I should give you evidence of all that passed.

2053. By the *Committee.*] He had previously promised he would vote for Colonel Higgins?—That he would give a divided vote.

2054. Mr. *O'Malley.*] Do you know a voter of the name of Walter Liner?—I do.

2055. Had he promised Colonel Higgins, I mean promised you for Colonel Higgins?—Well, he did not promise me; I suppose I cannot tell what he said.

2056. Did he speak to you about his vote?—It was understood he was to vote; he did not speak to me.

2057. By the *Committee.*] He did not promise you?—He did not promise me.

2058. Mr. *O'Malley.*] Did you see him along with any of Colonel Higgins's voters

voters before the election?—No; I saw him brought into the polling-place by Mr. Conway.

2059. The priest?—Yes.

2060. But before that had you seen him?—I went to see him, and I could not see him; I saw his wife.

2061. William Ryan; do you know him?—William Ryan and Walter Liner are tenants to Mr. Nolan, of Ballanderry House, in the county of Galway.

2062. Was he a voter?—He was.

2063. Was Mrs. Nolan a supporter of Colonel Higgins?—A very earnest supporter of Colonel Higgins.

2064. Had you seen Ryan?—I had.

2065. Had he spoken to you about his vote?—I had spoken to him.

2066. Canvassed him?—I canvassed him.

2067. Did he promise?—He said he would vote in the way that Mr. Brown, of Tuam, that is the agent of Mrs. Nolan, would direct; he did not care one way or the other between the parties; it was equal to him who was returned, he said.

2068. Did anything further pass between you about his vote?—I got Mr. Brown's letter, and I went to the man, and he was taken away before I got there.

2069. Mr. *Karslake.*] Do you mean that you did not find him when you got there?—(*No answer.*)

2070. Mr. *O'Malley.*] You got a letter from Mr. Brown?—I did.

2071. Where did you go to, to see Ryan?—To his house.

2072. Where was that?—It was about a mile from Ballinrobe.

2073. On what day?—On Sunday; Palm Sunday.

2074. At what time?—It was while the people were at mass; I thought it was a good time to go to him; he was not there.

2075. Did you inquire whether he was at home?—I did; his wife said he was not at home; I cannot tell you any more; I know where he was brought; I did not see him, but I saw him voting.

2076. Did she say he was at mass, or that he was away from home?—

Mr. *Karslake* objected to the question; the reason for his being from home could not be given; it would be hearsay evidence.

Mr. *O'Malley* was heard in support of the question.

The *Chairman* stated that the witness might very properly tell what the answer was as to Ryan's whereabouts, but not as to his motive for going anywhere.

Witness.] My recollection is, that she said he was gone to mass, and I said, "I was with your husband, you may recollect, the other day, and he promised to vote for any gentleman that Mr. Brown wished him to vote for; and I have Mr. Brown's letter here to him."

Mr. *Karslake* objected that if it was now intended to give the wife's answer, it could not be received as evidence against Mr. Moore.

Mr. *O'Malley* was heard in support of the line of examination.

The *Chairman* stated that the witness might tell what the wife said.

Witness.] She said, "Very well, sir, he will go in, and he will vote for Colonel Higgins." I said, "Shall I send for him?" and she said, "No, he will go in and walk by your house."

2077. By the *Committee.*] This was on the Sunday?—This was on the Sunday; the man was taken and brought in, and voted otherwise.

2078. Mr. *O'Malley.*] Did you again go to his house?—I did not, because I was not long in Ballinrobe before I heard that he was brought in and otherwise disposed of.

2079. Notwithstanding you had had his promise to vote according to Mr. Brown's directions, and you had communicated that you had got Mr. Brown's directions, and got that answer from his wife, I gather from you, that notwithstanding that, in consequence of something that you heard in the meantime, you did not expect to see him vote for Colonel Higgins?—Oh, no; I had not the smallest expectation.

J. Griffin, Esq.

29 June 1857.

2080. You say you saw him come up to the poll?—I did.

2081. With whom?—Well, he was along with another body of freeholders that were brought in by other Roman-catholic priests. He came up as one of the body.

2082. With a Roman-catholic priest?—He was in a body of freeholders that had been brought in by Roman-catholic clergymen, and he came up in his course and voted for Mr. Moore and Captain Palmer.

2083. By the *Committee.*] But what grounds have you for saying that he was brought in by Roman-catholic priests. Did you see the Roman-catholic priests at the head of the party, or were you at the poll?—I was.

2084. You saw them come in?—I did.

2085. Were they headed in that way?—When the freeholders were wanted to come to the poll, they would say, "James Ryan or Peter Ryan, come over here."

2086. Who would say that?—The Roman-catholic clergymen, and they would put them on the poll the same as I myself was acting for Colonel Higgins.

2087. Do you know the names of the Roman-catholic priests whom you saw bring them up?—The name of every clergyman in the deanery.

2088. But the name of this particular gentleman?—I could not exactly tell you the name because they were all there, and one was as efficient as the other.

2089. Mr. *O'Malley*]. Do you know a person of the name of Langhan?—Yes, he will be here presently.

2090. And Moran?—Yes, they will be both here.

2091. Edward Jennings?—He told me; I was speaking to him; I said, "I understood you were to be a supporter of Colonel Higgins."

2092. Mr. *Karslake.*] Was that before or after the election?—It was after the election.

2093. By the *Committee.*] Had he promised you before?—I had been speaking to him and he had promised me before.

2094. To vote for Colonel Higgins?—To vote for Colonel Higgins.

2095. Mr. *O'Malley.*] Did he vote for Colonel Higgins?—He did not, indeed.

2096. Whom did he vote for?—For Moore and Palmer.

2097. Did you ask him why he voted for them?—Yes, he said he was influenced to vote for them——.

The *Chairman* stated that the Committee had already decided that any conversation that took place subsequent to the election should not be given in evidence.

Mr. *O'Malley* submitted that the evidence was admissible as relating to facts taking place at the election.

Witness.] He promised me before the election to poll, but this was after the election.

The *Chairman* stated that the previous decision of the Committee would render this inadmissible.

2098. Mr. *O'Malley.*] (To the *Witness.*) All you know is, that he did not vote?—He promised to vote, and did not.

2099. Now, Patrick Manghan. Do you know Manghan?—Yes.

2100. Did he promise you?—He did not promise me; he was to vote for Colonel Higgins.

2101. Whose tenant was he?—Oh, he is a very respectable man, capable of judging for himself.

2102. He did not promise you?—No.

Cross-examined by Mr. *Karslake.*

2103. You say he is a very respectable man, capable of judging for himself?—Yes.

2104. At what point of respectablity does that capability of a man's judging for himself begin?—He is a man of some means; he is a man who has been in trade in Liverpool, for some time, and therefore he is a man not likely to be influenced by anybody. Here is his letter.

2105. By the *Committee.*] What is his station in life?—He is a farmer.

2106. Mr.

2106. Mr. *Karslake.*] You have been agent for some time to Colonel Higgins?—I have.

2107. For other elections?—This is the third election.

2108. I supposed you canvassed voters for him frequently?—I canvassed at the last election for him.

2109. But at all the other elections, did you not?—No.

2110. This was the first election at which you ever canvassed for him?—Yes.

2111. Have you ever canvassed for any other member before now?—No.

2112. Then it never occurred to you to have a promise before made to you and to have it broken by a voter?—Well, they say promises are sometimes made to be broken.

2113. I did not ask you for a proverb, but I ask the question whether it never has occurred to you to have a promise made and to have it broken?—Not very often.

2114. But in the case of a voter, never; because you never canvassed before?—Oh, I know people break their promises.

2115. I do not ask you that?—It never occurred to me, because I never canvassed before.

2116. Now go back a little to the Sunday, were you canvassing voters yourself to a considerable extent on that Sunday?—No, indeed I was not.

2117. Can you mention any other, besides the man you have mentioned, whom you canvassed that day?—I do not think it right to go canvassing on Sunday; I do not do it.

2118. But you canvassed Mr. Somebody on the Sunday did you not?—I did, because it was an act of necessity.

2119. Was he the only person you canvassed on the Sunday?—He was the only person I canvassed on the Sunday.

2120. I think you said that Lady De Clifford's tenants were the first that came in?—They were.

2121. When did they come in?—On the Saturday evening.

2122. How many of them?—Seven or eight; I do not know exactly the number.

2123. They came in and went to Monaghan's hotel?—Yes.

2124. By the *Committee.*] On the Saturday?—The Saturday evening late; they had a long distance to come.

2125. Mr. *Karslake.*] Had Monaghan's hotel been taken by you for them, and other voters for Colonel Higgins?—It had.

2126. Courtenay Kenny was a magistrate, I believe, was not he?—He was, and is still.

2127. And he held a deputation?—He did.

2128. Being appointed by the sheriff during the election?—I believe so; I did not see his appointment.

2129. But he acted as a deputed magistrate?—Yes, as a deputed magistrate.

2130. Was he in command of the troops at the time?—Well, I believe he was.

2131. Was Mr. Courtenay Kenny giving orders to the officers from time to time, during the election?—I believe he found it necessary, after Colonel Higgins was attacked, on one occasion to have the Riot Act read.

2132. Did you see him giving orders to the officers during the election?—I did sometimes; when he saw the crowds pressing in and lives in danger, he spoke to the officers.

2133. Was he staying at Monaghan's hotel?—No, he is a gentleman residing in the town, his estate comes up quite close to the town.

2134. What time was it on the Sunday when you saw Mr. Courtenay Kenny at at Monaghan's hotel, with these freeholders?—About ten o'clock; I think it may be half-past, I am not quite precise as to the time.

2135. At that time, on the Sunday, the military were not out, were they?—No, but there were police on the door; the military were not out at that early hour, but there were police stationed.

2136. I ask, were the military out on the Sunday at ten o'clock?—I did not see them.

2137. Then say no, because you would have seen them if they had been there? Well, I suppose I would; I do not see why I should not.

 2138. You

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2138. You say that in the afternoon you were in the road at the time Mr. Burke's freeholders came in?—I was; I had a message sent to me from Mr. Isidore Bourke, that they were coming in.

2139. I want to know whether you were in the lane?—In the lane; indeed I was there, and will never forget it either.

2140. You saw the people come down the lane?—I did.

2141. Did you see Mr. Bourke flourish his pistol, and level it at Mr. Conway?—I did; after he was nearly pulled off his horse, and after they were beaten, and stones thrown, and cursed.

2142. Then you did see that?—I did.

2143. You say you do not speak Irish?—I am ashamed to say that I do not.

2144. Then you cannot give me, or can you give me, the words in Irish which Mr. Conway used?—I could give you some of the words, and I can tell you the manner in which those words were delivered.

2145. Can you give me the words which he used?—My recollection is, that the word "Mahocht" was used; that is a curse; and "Sogarth" and "Tample," and "Phobbel."

2146. By the *Committee.*] What is the mean of "Sogarth"?—Priest; he was on his knees with his hat off; I do not pretend to give the words in the order in which they were pronounced; but the words were used.

2147. What does "Tample" mean?—Church.

2148. What was the other word?—"Phobbell;" that is "Flack."

2149. Mr. *Karslake.*] Can you spell me the first word you used?—I cannot; I will tell you what my understanding of it is; that it was a curse; I cannot give you anything more about it.

2150. Then you cannot say whether it was a curse or not?—I can, because I saw the gentleman on his knees, and it was discussed very fully when we went in.

2151. By the *Committee.*] Was this curse made use of more than once?—Repeatedly, and the people grew pallid.

2152. Mr. *Karslake.*] Do you pledge yourself to the word you have used, that you say he used, as being "Mahocht"?—I do; and I pledge myself to the people being cursed.

2153. You pledge yourself to that being the word?—Indeed I do, for it was very fully discussed when we found ourselves in Mrs. Monaghan's hotel.

2154. How long were you at that place about the lane?—I will tell you how long I was; I expected Mr. Isidore Bourke's freeholders.

2155. Will you tell me how long you were at the lane?—From the moment they came into it; the gate was not open, and I wanted to break the lock.

2156. Tell me how long you were in the lane?—From the commencement to the end; it was my business to stop there.

2157. How long was that?—I should say an hour, until I saw all the freeholders in.

2158. Were you in the hotel yourself in the evening?—I was.

2159. At what time did you go there?—I went there about nine o'clock; I got a letter from Colonel Higgins, saying that he was coming to the town.

2160. I ask at what time did you go there?—I went there at nine o'clock, in consequence—

2161. I do not want to know any consequences; I want to know at what time you went there?—Having given you an answer directly, have I not a right to explain why I went?

2162. You say you went at nine o'clock?—I did.

2163. At what time did you leave?—I left in about half an hour afterwards; I merely stopped there a few minutes to take some counsel with the friends of Colonel Higgins, and went up to Mr. Arabin's house, the stipendiary magistrate; I then returned from Mr. Arabin's house again.

2164. By the *Committee.*] Is Mr. Arabin the resident magistrate of Ballinrobe?—He is; I stopped a few minutes, and again returned to the hotel.

2165. Mr. *Karslake.*] How long were you there a second time?—A few minutes, because our attention was drawn to a circumstance; Colonel Higgins had arrived, we knew, by the shouting and groaning outside.

2166. You went out to meet him, I suppose?—I did, when I got an opportunity.

2167. At what time did you leave the hotel that evening altogether?—I should say about half-past nine, or so.

2168. Did

2168. Did you go home?—I did.

2169. Are you living in the town?—I am; I have a house there.

2170. I need hardly ask you; you have been a very active agent of Colonel Higgins's, from what you say, in this election?—I discharged my duty I hope.

2171. Did you attend the nomination?—No; I thought it better for me not.

2172. Then you did not attend?—I did not; if you wish it, I will tell you why.

2173. Now, you did not hear the speeches made during the nomination?—No; I read them.

2174. Was Captain Brabazon an active partizan of Colonel Higgins?—I suppose he was very anxious for the return of his relative.

2175. He is a relative?—He is.

2176. Was he at Ballinrobe during the election?—No.

2177. Only at the nomination?—I do not know that he was there at all; I was not there myself.

2178. But you were in Ballinrobe?—I was.

2179. Did you not see Captain Brabazon during the day of the nomination?—No; the nomination is at Castlebar; Ballinrobe is in another district.

2180. I see I was wrong; you mentioned Mr. Ward, who you say was taken off the car?—He was.

2181. On what day was that?—On the Monday morning early.

2182. Did he afterwards vote for Colonel Higgins?—He did; because he was a man that would not be frightened.

2183. Did he vote for Colonel Higgins?—He did.

2184. Plumped for him?—Plumped for him.

2185. How many voters had you altogether, during the election at Monaghan's hotel?—It is very hard to say; the Claremorris men came in on the Sunday and were kept prisoners there until the Tuesday morning following; then others came, so that it is very hard to say how many; they were coming in at night and going out at night; so that I cannot tell you.

2186. Can you tell me how many voters there were about at any time at Monaghan's hotel?—I cannot; it would be impossible for me to tell you unless I looked at the list.

2187. Can you tell me within 50?—I will give you the names of the landlords.

2188. Were there 200 or 300 in the course of the election?—Well, I do not think there were 200 or 300.

2189. Were there more than 100?—There were; there might have been 200 or 300; I cannot exactly say.

2190. Did you superintend personally the voters who were at Monaghan's hotel, to see them brought up to the polling place?—I brought them up to the polling place, that is all I had to do with it.

2191. Did you succeed in bringing them all up?—I do not think I did, from what I heard. I heard that many of them were stolen.

2192. As far as you know, of your own knowledge, did you bring them all up?—As far as I know, of my own knowledge, I did not.

2193. Can you give me the names of any you did not?—No, I cannot. I heard that the hotel was broken into, and that the horses all ran about the country; it was very hard to keep an accurate account of what passed, there was so much confusion.

2194. Did you take up to the poll from Monaghan's hotel about a couple of hundred voters, or nearly; was not it more than 100?—I did; more than 100, certainly.

2195. Did they all vote for Colonel Higgins?—Some of those who were there to vote for Colonel Higgins, who were to have plumped for him, I understand, split their votes for Mr. Moore.

2196. They were probably Roman-catholics, were they not?—Oh, they were.

2197. By the *Committee.*] Some of those that you took up to Monaghan's hotel, do you mean?—Yes; they were promised to plump for Colonel Higgins, as I understood. Those were the men whom Mr. Conway was with on the Sunday morning.

2198. Mr. *Karslake.*] Those men were all Roman-catholics?—They were.

2199. When did Colonel Higgins come during the election to Ballinrobe?—On the Sunday night.

2200. How long did he stay there?—He stopped there until the Wednesday, I think.

2201. Was he to and fro about the town during that time?—I saw him twice or three times at the polling place; he went under a very strong escort.

2202. Do you mean to say that during the election at Ballinrobe you never saw Colonel Higgins without an escort?—I never saw him without.

2203. You did not?—I never saw him.

2204. You never saw him walking about the streets perfectly unmolested?—I never saw him. I saw him insulted in the very polling booth; grossly insulted.

2205. Were you yourself in the polling booth most of the time?—I was partly in the polling booth. I was everywhere where I thought I was wanted; in and out.

2206. You say that there were some Protestant clergymen who voted for Colonel Higgins?—Yes.

2207. Who were they?—The Rev. Mr. Moore, the Rev. Mr. M'Clintock, the Rev. Mr. Anderson; and I will tell you more who were to have voted for him, if their state of health had permitted them to come.

2208. Then the Protestant clergymen were all active supporters of Colonel Higgins?—All men of moderate opinions were active supporters of Colonel Higgins.

2209. Did they canvass for him?—I do not know.

2210. Do you mean to say that you cannot tell me whether they did or not?—I cannot. I do not think they did.

2211. By the *Committee.*] Did those Protestant clergymen come up heading the electors?—Not at all.

2212-13. Mr. *Karslake.*] You spoke of Mr. Valentine Blake?—I did.

2214. Was he a strong supporter of Colonel Higgins?—I understood he was.

2215. Do you know that he was also a strong supporter of Mr. Moore's?—I believe he divided his interest between them; I do not know that that was agreeable or not to Mr. Moore.

2216. Do you know that he gave his first vote for Mr. Moore and his second vote for Colonel Higgins?—I do not know that of my own knowledge. I saw him insulted by Mr. Conway, although he was a supporter of Mr. Moore's.

2217. Then you know that he did vote for Mr. Moore?—I heard it from himself; I met him on my way up here; met him at Athenry.

2218. Macdermott was a tenant of his, you say?—He was.

2219. Did he vote?—He did not vote at all.

2220. I want you particularly to turn your attention to the statement you made that you saw Mr. Moore on the Sunday before the election in his carriage?—No, I did not say any such thing as that; the notes will tell you that I did not say any such thing as that. I saw the Reverend Mr. Conway on the Sunday before, which was Palm Sunday, or some four or five days before the election, drive through Ballinrobe in Mr. Moore's phaeton, with the horses decked out with laurels.

2221. The Sunday week before the election was that?—The Sunday week before the election, or in the course of the week.

2222. Was it the Sunday or during the week?—I cannot tell you; a great many will fix the day for you.

2223. Will you undertake to say that you saw Mr. Moore there at all until the Thursday, the day before the nomination?—I know he was there. I did not see him myself, because I kept myself within my house; but I know he was there before the election, and spoke to the people.

2224. Do I understand that you saw Mr. Conway in Mr. Moore's carriage, or that you saw Mr. Conway with Mr. Moore in his carriage?—I saw Mr. Conway in Mr. Moore's carriage by himself. I was in the town of Ballinrobe when Mr. Moore and Mr. Conway addressed the people at the Court House; but I did not think it prudent to make my appearance.

2225. Mr. Conway is a voter, I believe, is he not?—He is.

2226. Did you, during the election, thank the voters who had voted for Colonel Higgins?—Well, I suppose I was grateful enough to do so on some occasions.

2227. You did so then?—I may have done so; I cannot exactly say; I believe it is only civil to thank a man when he supports the man you represent.

2228. Did you, during the election, thank the voters who voted for Colonel Higgins?—I did; but I did not pat them on the back.

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2229. Mr. *O'Malley.*] However you did, as the agent of Colonel Higgins, thank them?—I did, and most sincerely.

2230. It is the business of the agent to do so?—It is.

2231. Mr. *Karslake.*] Were there several other priests who also voted for Mr. Moore, Roman-catholic priests?—Every Roman-catholic clergyman who had a vote.

2232. By the *Committee.*] Every one?—Gave Mr. Moore their support.

2233. Every one?—With the exception of the two who were named.

2234. Do you know that of your own knowledge?—I do; I saw them all in my district, I know; if you apply to the books it will appear they did so.

2235. You talk of the Ballinrobe district?—I do.

2236. Mr. *Karslake.*] You say all the clergymen there who had votes voted Mr. Moore?—That is my belief.

2237. Now Mr. Hardiman, did he?—Mr. Hardiman did not vote at all.

2238. He did not vote at all?—No.

2239. By the *Committee*]. Is he a clergyman?—He is; he voted before for Colonel Higgins; he did not vote at all the last election; he knows why himself.

2240. He is a clergyman of the Roman-catholic church?—He is.

2241. Mr. *O'Malley.*] He is not a voter in your division, is he?—He is not.

2242. Mr. *Karslake.*] He lives in Ballinrobe?—But he has no qualification there; he did not vote there, that is all I say.

Re-examined by Mr. *O'Malley.*

2243. You spoke of Mr. Maughan; you talked about his being an independent man?—I did.

2244. Was he at Ballandine; is that his place?—He goes to mass there.

2245. Mr. *Karslake.*] Do you know anything about Ballandine?—I know everything about that district.

2246. Did you see him there at Ballandine?—I have, I think.

2247. Mr. *O'Malley.*] But all I ask is this, is Ballandine his place of going to mass?—It is.

2248. Do you produce a letter now?—I handed it to you.

2249. Is that an explanation why he did not vote?—It is.

2250. You were asked about Monaghan's hotel?—I was.

2251. Was it absolutely necessary for the safety of Colonel Higgins's voters, that there should be a place of refuge for them when they came in there?—Yes, if there was not, they would be killed, if they had not a place to go to; that is my belief.

2252. They came in in batches, the tenants of the different landlords, I believe?—They did.

2253. Had Colonel Higgins anything to do with the paying of their expenses?—Positively not.

2254. You were asked about the Protestant rector of Ballinrobe, whether he was at the head of the mob; did you happen to see him at the feet of the mob?—He was shoved about a good deal.

2255. Did you see him knocked down?—I did not, but he was shoved about; you see when I saw those things, I had to make way for myself.

[The Witness withdrew.

James Moran was called in; and, having been sworn, was Examined by Mr. *Edwin James*, as follows:

James Moran.

2256. DO you speak English?—I do.

2257. And Irish, I suppose both?—Yes.

2258. Do you live at a place called Ballymacgibbon?—I do.

2259. Are you a freeholder of the county?—I am.

2260. On the Sunday before the polling day, and after the nomination, were you going to Ballinrobe?—I was.

2261. Who were with you?—I was on one of Colonel Higgins's cars.

2262. Were you going into Ballinrobe to stop there that evening, and to vote for Colonel Higgins in the morning?—I was.

2263. How many persons were with you?—Three more and myself.

2264. Were they also voters for Colonel Higgins?—Yes.

2265. Can you give us their names?—Yes.

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2266. Just tell the Committee their names?—Mark M'Tighe, Michael Langhan, and Pat Conry.

2267. Was there a gentleman of the name of Hillalee there?—He was not there.

2268. Were all of you going in a car to vote for Colonel Higgins?—Yes.

2269. Was there any escort of soldiers with you?—There was.

2270. Cavalry, on horseback?—Yes.

2271. Who was driving the car?—The owner of the car.

2272. You mean the man it was hired of?—Yes.

2273. How many military were there; how many cavalry?—I do not know; 11 or 12, about that.

2274. By the *Committee.*] But there was more than the one car that you four were sitting on, was not there?—(*No answer.*)

2275. Mr. *Edwin James.*] Were there any other cars with voters?—Only four.

2276. By the *Committee.*] Do you mean only four cars, or four men?—The four that left Cross to go there.

2277. Mr. *Edwin James.*] Only one car?—Only one car.

2278. As you were going along, when you got near to Ballinrobe did you see a mob of people?—I did.

2279. How near to Ballinrobe had you got when you saw this mob of people?—Within a mile and a quarter of it.

2280. About what o'clock was it?—I cannot tell; between four and five o'clock; I cannot tell; about that.

2281. Which way were the mob coming?—Coming on.

2282. Coming on towards you from Ballinrobe?—Yes.

2283. Do you know the Rev. Peter Conway?—I do.

2284. Did you see him with the mob?—I "seen" him; it was he that came up and said there was three or four men "kilt" in the town of Ballinrobe.

2285. You saw Mr. Peter Conway with the mob?—Yes.

2286. You heard him say there had been three or four men killed, you say?—I did.

2287. You heard him say that?—I did.

2288. Where did he say there had been three or four men killed?—Below, in the town of Ballinrobe.

2289. When you saw this mob, how many people should you say were in the mob?—I could not mention how many.

2290. When you saw the mob coming, and you heard the Rev. Peter Conway say there had been three or four men killed below in Ballinrobe, were you frightened?—I was frightened, certainly.

2291. What did you do?—I got down off the car.

2292. What did you do then?—I went off.

2293. I suppose, as we call it in English, you ran away?—Yes.

2294. Ran back in the direction of home?—Yes.

2295. You say you were alarmed?—Yes.

2296. You ran back in the direction of home?—Yes.

2297. Did you run through any fields towards a house; did you go across some fields towards a house?—I did, when Father Conway came up to me, and asked my name.

2298. Was that before you endeavoured to get across the fields, or afterwards?—Before I went across the fields.

2299. Before you went across the fields, Father Conway came up to you, and asked your name?—Yes.

2300. What did you tell him?—I told him my name was Jemmy Moran.

2301. What did he say?—He said nothing; and then, when I saw the mob coming, I slipped, and I thought I would make across the field to my friends.

2302. Was there a house across the field belonging to a person you knew?—In the road; I thought I would make a short way to it.

2303. You went across the field?—I did.

2304. For safety?—Yes; some of the mob followed me, and told me to stand; they said "Stand," or they would have me down. I gave a look behind me, and saw stones in their hands.

2305. Did any of them come up to you?—Yes.

2306. Did any of them take hold of you?—They did.

2307. When

2307. When they took hold you, did you hear them call out to Father Conway?—They brought me out in the road.

2308. They followed you across the field, and brought you back into the road?—Yes.

2309. When they brought you back into the road, was Father Conway in the road with the rest of the mob?—I did not see Father Conway at the time they brought me out in the road.

2310. When Father Conway asked your name, and you said your name was Jemmy Moran, did you see whether Father Conway took any paper out of his pocket to look at?—I did.

2311. Just look at this paper (*handing the same to the Witness*); was it a paper like that?—I was afraid; but he drew out a paper.

2312. What sort of a paper was it?—I cannot tell rightly what sort of a paper, but he got my name. When he asked me my name I told him my name, and he read it.

2313. You told him your name was Jemmy Moran, and he looked at some paper, and read it?—Yes.

2314. Did he say anything to you upon that, when he looked at the paper and read it?—No.

2315. What was done with you then?—Before they came up to him, I made through the field; I left him asking the rest of the voters their names, and I made off whilst he was talking to them.

2316. When you left, you heard Father Conway asking the rest of the voters their names?—Yes.

2317. With the paper in his hand?—Yes.

2318. As he had asked you?—Yes.

2319. You ran across the fields?—Yes.

2320. What happened then; were you followed?—Yes.

2321. Who followed you?—Some of the mob.

2322. Did they overtake you?—They did; I had to stand; they said unless I would stand they would have me down.

2323. And you did stand?—I did.

2324. What did they do with you when they came up?—I looked back, and I "seen" stones in their hands.

2325. Then you stopped?—I did.

2326. When they came up, what did they do with you?—They brought me out in the road.

2327. Did they take you to any place?—They put me into a car.

2328. Where did they take you?—Into Cong.

2329. Which car?—In the car they had employed.

2330. Had they a car?—I suppose they had.

2331. They put you back into a car?—Yes.

2332. By the *Committee.*] Was it the same car that brought you?—No.

2333. Mr. *Edwin James.*] Where did they take you?—Into Cong.

2334. How many did they take with you back to Cong; did they take any of the four who came up with you to vote for Colonel Higgins, with you back to Cong?—They did.

2335. Who did they take back with you to Cong, in this car?—Michael Langhan and Mark M'Tighe.

2336. The whole of the four?—They met Tom O'Brien on the road, and took him in; those are the two that went with me.

2337. They took the two back in the car that came with you, and they met Tom O'Brien on the road?—They did.

2338. Where was he standing?—On the road; I did not see him.

2339. Did they put Tom O'Brien in the same car with you?—They did.

2340. Was Father Conway on horseback or on foot?—On horseback.

2341. When the mob had put you and your friend into the car, they drove you down to Cong?—Yes.

2342. What became of Father Conway and the mob?—They were along with us.

2343. Did they go with you and the car?—They did.

2344. The mob did?—Yes.

2345. Did Father Conway ride with the car to Cong?—He did.

2346. With the mob?—Yes.

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2347. Where was your home; where did you live; was it near Cong?—Within about two miles of Cong.

2348. Did you want to go to Cong?—I did not.

2349. When they got you to Cong, where did they take you?—They locked us into a room in Volkenbourg's hotel, in Cong.

2350. Do you know old Mr. Bourke and young Mr. Bourke, of Ower?—Yes.

2351. As you were going into Ballinrobe, and before you met the mob, did you meet old and young Mr. Bourke upon a car?—I did.

2352. When they got you to Cong, they locked you up, you said, in Volkenbourg's house?—Yes.

2353. Where was Father Conway at the time when you were locked up in Volkenbourg's house?—He was out in the street, I suppose.

2354. Who took you to Volkenbourg's house?—The mob did.

2355. Was that the same mob that you had seen with Father Conway?—The same mob.

2356. Whereabouts did they lock you up, in what room?—Just when we were brought in the door, we were locked back by the right-hand side, in the next room.

2357. In a room on the right-hand side?—Yes.

2358. While you were locked up in that room at Cong, did Father Conway come to you?—He came once.

2359. Was that while you were locked up in the room?—Yes.

2360. When he came where you were locked up in the room, did he say anything to you about voting?—They said that we would vote for Moore and Palmer.

2361. Who?—The mob did; yes, and him.

2362. The mob said, and he said, that you must vote for Moore and Palmer?—Yes.

2363. Now you were going up with the intention of voting for Colonel Higgins?—To plump for him.

2364. When Father Conway and the mob said you must vote for Moore and Palmer, what did you say?—I said I would not, I would vote for my master.

2365. Were you a tenant of Colonel Higgins's?—No.

2366. Were you a tenant of Mr. Strickland's?—Yes.

2367. Was he in Colonel Higgins's interest?—Yes, I suppose so.

2368. What did the mob say to you when you said you would vote for your master?—They said they would do this and that.

2369. Tell the Committee what they said they would do to you?—They said that I should vote for Moore and Palmer; unless I would vote for Moore and Palmer, I should pay for it.

2370. Did Father Conway say anything to you about the court-house, when you got to the court-house, the voting place?—When he brought me to Gillett's hotel.

2371. How long did they keep you locked up at Cong?—Till the break of day.

2372. That is early on the Sunday morning?—The Monday morning, and they brought us into Ballinrobe.

2373. They kept you locked up till the break of day?—Yes.

2374. Who came to you to take you into Ballinrobe?—The mob did.

2375. The same mob?—The same mob.

2376. Did you see Father Conway again?—I did.

2377. When did you see Father Conway again on the Monday morning; where did you see him?—In Cong.

2378. Was he there then, with the mob, when you were let out?—Yes.

2379. By the *Committee.*] How far is Cong from Ballinrobe?—Five miles.

2380. Was it the Ballinrobe mob that took you to Cong?—Yes.

2381. You say you were on a car, with the other men, escorted by a detachment of dragoons?—Yes.

2382. And a short distance; about a mile and a quarter from Ballinrobe the mob were coming towards you?—Yes.

2383. And then Father Conway appeared, and came up to the car?—Yes.

2384. Was your escourt and your car for a moment halted, in order that Father Conway might address you?—We were afraid of the mob; we went out of the car.

2385. If you had eleven dragoons, and only Father Conway holding a conversation

versation with you, how came you to run?—The dragoons was not with us at the time; Father Conway came up to me and "axed" my name.

2386. The dragoons were not with you?—They went down; when we came out of the car, we let the dragoons go on, and returned home.

2387. Mr. *Edwin James.*] You ran away and left the dragoons?—We did; let them go into Ballinrobe.

2388. By the *Committee.*] If this car surrounded by the dragoons was quietly going along the road, how came Father Conway to get between the dragoons and the four men to ask you the questions?—When the dragoons went down he came up.

2389. You say there were 11 dragoons escorting one car; I want to know how the car was stopped with the four men with the dragoons present?—(*No answer.*)

2390. Mr. *Edwin James.*] Was your car going before the escort of dragoons?—Yes.

2391. Your car was going first?—Yes.

2392. And then you saw the mob?—Yes.

2393. You said you had met old Mr. Bourke and young Mr. Bourke?—Yes.

2394. Had they told you something that had alarmed you?—They had.

2395. When you saw this large mob coming, did you wait for the dragoons to interfere, or did you get off the car at once?—I got off at once.

2396. Were you alarmed at the sight of the mob?—Yes.

2397. From what you had heard Mr. Bourke say?—Yes.

2398. Could the dragoons have interfered to prevent your running away; they were behind you?—We let them go on.

2399. When the mob followed you, and brought you back into the road, where were the soldiers?—They went on into the town; we did not see them since we came out of the cars.

2400. You ran away?—Yes.

2401. And when you went back into the road the dragoons had gone on towards the town?—Yes.

2402. Besides your car, were there two others going in your party; were there three or four cars?—Four cars.

2403. By the *Committee.*] Do the Committee understand you to say that there were four cars containing voters under the escort of 11 soldiers?—I do not know; 11 or 12; about that.

2404. There were four cars?—Yes.

2405. Mr. *Edwin James.*] Of your party?—Yes.

2406. When you saw the mob you were alarmed at something you had heard, and all your men got off your car and run away?—Yes.

2407. Then when you came back, had the soldiers gone on to the town of Ballinrobe with the other three cars?—Yes.

2408. You say at the time you were unlocked, and let out of this place at Cong, Father Conway was there with the mob?—Yes.

2409. And it was the same mob who had met you on the road from Ballinrobe?—Yes.

2410. Were the other voters of your party let out, as well as yourself, from Volkenbourg's hotel?—All the voters that they put in at night; they brought them down to the hotel at Ballinrobe to give a vote.

2411. Where did they bring you to?—Into Ballinrobe.

2412. Who accompanied your car to Ballinrobe; who went with you?—Who were the freeholders?

2413. Yes.—Myself and Michael Langhan, Mark M'Tighe, Tom O'Brien, Joe Ody, Martin Mallett, Walter Liner, and Billy Ryan.

2414. By the *Committee.*] Were all those in one car?—Yes.

2415. Mr. *Edwin James.*] They put you all in one car?—Yes; the night they brought us into Cong they got three or four of those that were in the town, and put them in where we were.

2416. And locked them up with you?—Yes.

2417. They brought them somewhere out of the town of Cong, and locked them up with you at Volkenbourg's hotel?—Yes.

2418. You have given the names of the persons they took with you the next morning?—Yes.

 2419. Where

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2419. Where did you first see Father Conway at break of day on Monday morning, when you were let out?—In Cong.

2420. Was he in the street?—Yes.

2421. Was he on horseback?—He was.

2422. Did the mob go with the car upon which you were put into Ballinrobe on Monday morning?—Yes.

2423. The same mob?—The same mob.

2424. What became of Father Conway?—He was on before us.

2425. He was on before, on horseback?—Yes.

2426. What, at the head of the mob?—Yes.

2427. Where did they take you to at Balinrobe?—Into Gillett's hotel.

2428. What did they do with you when they got you there?—They kept us there.

2429. Where did they put you?—Into the hotel.

2430. And kept you there?—Yes.

2431. How long did they keep you there?—Until about four o'clock in the evening.

2432. In the evening of the Monday, at about four o'clock on the Monday, did Father Conway come there?—He did.

2433. Did you say anything to him about being kept there; about your liberty?—He came in, and he brought myself and my comrade out.

2434. What comrade; which man?—The other man belonging to me.

2435. What is his name?—Michael Langhan.

2436. Father Conway came in and brought yourself and Michael Langhan out?—Yes.

2437. What did he say to you?—He brought us up to the court-house.

2438. Did he say anything about your voting?—The books were shut

2439. It was too late to poll?—Yes.

2440. What did he do with you then?—"You must go to the same place again," he said.

2441. Where did he take you to?—I said I would not go down where I was all the day badly treated since four o'clock yesterday; that I would not go in if I was cut into quarters, and he had better let me go away.

2442. What did he say to that?—"I will send you up to my own house to-night."

2443. Where did he take you to?—He sent us home to his own house.

2444. Who took you there?—Some of the mob.

2445. Some of the mob took you up to his house?—Yes.

2446. About what time did you get to his house; did they take you straight from the court-house to his house?—They did.

2447. Up to his house?—Yes, I suppose about between four and five o'clock.

2448. At that time did you go willingly, or were you alarmed?—I had to go.

2449. Do you mean by that that you went against your will?—To be sure I do.

2450. When the mob took you to his house, where were you put in his house; whereabouts?—In the kitchen.

2451. You and Michael Langhan?—Yes.

2452. Anybody else?—No, no one else.

2453. Where did you pass the night?—I slept in his house.

2454. In the kitchen?—Yes, it is in the kitchen.

2455. You slept in the kitchen?—Yes.

2456. You and Michael Langhan?—Yes.

2457. Did you see Father Conway during the night?—I seen him once.

2458. Did he come to you in the kitchen, or where?—He did.

2459. What did he say to you and Michael Langhan whilst you were in the kitchen in his house?—He said nothing to us while we were in his house; as to he asking us any questions, he did not.

2460. As the mob were leading you up to Father Conway's house, did they say anything about how you should vote?—They did.

2461. What did they tell you as to how you should vote?—Moore and Palmer.

2462. Did they threaten you?—They did.

2463. What did they say to you?—They said that I should vote for Moore and Palmer, and unless I did, that "big and little going up and down the street knows ye, and unless ye vote for Moore and Palmer ye will pay for it."

2464. What

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2644. What did you do in the morning; what time were you let out from Father Conway's kitchen on the Tuesday?—When Father Conway went back in the town, he told us to wait there for fear that the mob would meet with us.

2465. He left the house to go into the town as you suppose?—Yes, for fear any of us that he left in his house would meet the mob, because we would go without his leave.

2466. What did you do?—When he went we went back on our own liberty as far as the gate of King's Road from his house.

2467. When he went away, you got out of the house as far as the gate of King's Road?—Yes, on our own liberty.

2468. What time did you vote on the Tuesday; about what time did you go up to vote?—About one o'clock, I think.

2469. Did Langhan go up with you?—Yes.

2470. At the same time?—Yes.

2471. Who took you up; did any of the mob go with you?—No.

2472. Who went with you?—A guard.

2473. You were escorted to the poll by soldiers?—Yes.

2474. When you got to the poll how did you vote?—I voted for Moore and Higgins.

2475. You said that you intended—you told the Committee that you had intended to plump for Colonel Higgins?—Yes.

2476. Was that your intention?—I made a promise to them that I would give half to Mr. Moore.

2477. Whom did you promise to?—To the mob.

2478. You made a promise to the mob that you would give half your vote to Mr. Moore?—Yes, and to Father Conway too.

2479. You say you had intended to plump, to give your whole vote for Colonel Higgins?—Yes.

2480. You made a promise to the mob and to Father Conway to vote for Mr. Moore?—I did.

2481. Were you frightened into that?—I was.

2482. Should you have voted, half your vote for Mr. Moore, if you had not been intimidated and frightened?—I would not.

2483. Are you well known in Ballinrobe?—Indeed I am; I am sure I am; I have a right.

2484. What is your business; a small farmer?—It is.

2485. Do you sell your stock in Ballinrobe?—Yes, and I am afraid of my life now when I go home to go into it.

2486. Have you been beaten since this?—Yes.

2487. In the town?—Yes.

2488. Since this petition has been going on?—Yes.

2489. Do you remember being served with the Speaker's warrant?—Yes.

2490. To give your evidence before this Committee?—Yes.

2491. Was it after you were served with the Speaker's warrant to give your evidence that you were beaten?—Yes, since I was served.

2492. In the town of Ballinrobe?—Yes.

2493. Are you afraid to go into the town of Ballinrobe?—I am afraid.

2494. By the *Committee.*] Did you make any complaint to any magistrate of your having been beaten?—I did.

2495. Mr. *Edwin James.*] I believe it stands for trial now; a very cruel assault was made upon you, after you received the Speaker's warrant, and it stands for trial?—Yes.

2496. They are committed, I believe, to the assizes at Castlebar?—Yes.

2497. From the time when you first met that mob and ran away, and were locked up and brought back to the house, were you intimidated, and frightened, and alarmed?—I was.

2498. Had you fears for your life?—Yes.

2499. When you were beaten, was the Speaker's warrant, with which you had been served taken from you?—It was.

Cross-examined by Mr. *Montague Smith.*

2500. Have you voted before for the county; have you voted before?—I have.

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2501. At the former election?—Not for that election that you mean; I have voted for guardian.

2502. Did you vote in the election in the year 1852?—I never gave a vote at an election till this year.

2503. You never have voted at an election before this year?—No.

2504. You are a tenant of Colonel Strickland's, you say?—Yes.

2505. Is he your landlord?—No.

2506. Who is your landlord?—Mr. Baker, from the county of Roscommon; he is I suppose.

2507. Who is Mr. Strickland, that you spoke of?—Mr. Strickland from Loch Lynn.

2508. Is he the agent of your landlord?—He is.

2509. Did Mr. Strickland go up with you; were you with him when you were going up in the car to Ballinrobe?—No, he did not; he did not speak to me about it.

2510. About the going up; you were in a car; how near were the other cars to you, when you say you saw the mob?—What cars?

2511. The cars with the other voters?—The four cars of voters were along with one another.

2212. That is, they were altogether?—Yes.

2513. The four cars were altogether; were the soldiers after or by the side of the car?—After us.

2514. Do you mean to say there were none of the soldiers by the side of the cars?—After us; below.

2515. Could the dragoons have seen the mob?—They did.

2516. Did the soldiers interfere to protect you?—They did; but if they did, when we seen them scattering inside and outside the wall, we would not go with them.

2517. The four cars were together; what did the soldiers do when they interfered; what did the soldiers do?—They done nothing.

2518. Do you mean that the soldiers stood by and did nothing, and let the mob interfere with you?—When we seen the mob coming the soldiers was wanting to bring us to the town; we got afraid when we seen the mob scattering inside the walls and outside the walls.

2519. Did the soldiers draw their swords?—They did.

2520. By the *Committee.*] Was there an officer with them?—I do not know.

2521. Mr. *Montague Smith.*] But you must have been frightened very soon?—I was.

2522. You are very easily frightened?—No; I had a reason for it.

2523. Now, let me see; did you jump off the car before the mob came up?—When Father Conway and Mr. Bourke came up, and Mr. Bourke, of Ower, told me he had to pledge his honour, unless he would vote for Moore and Palmer, that they would have his life; then Father Conway came up and said there was three or four men kilt in the town. We got afraid and we would not go; we got afraid.

2524. Did you get off the car before the mob came up to the car?—As soon as I saw the mob I got off.

2525. How far were the mob off from the car?—They were within 10 yards of us; some of them coming a mile off. I seen them a mile off.

2526. By the *Committee.*] Was Mr. Bourke with Father Conway then?—He came up at that same time.

2527. When you saw Father Conway first, was he on the car with Mr. Bourke?—No, he was not.

2528. Was he with Mr. Bourke?—He was on horseback.

2529. Where was Mr. Bourke?—In a car.

2530. Was Father Conway on horseback?—He was.

2531. With the car?—Yes; he came up on horseback.

2532. Are you sure of that, that he was on horseback?—I am sure of that.

2533. By the side of the car?—Just in the middle of the road.

2534. I mean with the car?—Before the mob.

2535. Do you mean with Mr. Bourke's car?—Mr. Bourke's car came up the first.

2536. I want to know this: whether Mr. Bourke and Father Conway were some

some way before the mob, or whether the mob was close to them?—The mob was after them.

2537. How long after?—I cannot tell.

2538. Did you see first Father Conway and Mr. Bourke before you saw the mob?—I seen the mob after them.

2539. How far off were they?—I do not know; not about 10 yards after them; ten or 12 yards after them.

2540. Notwithstanding the mob being so close upon you, did the dragoons remain in the rear of the four cars?—The dragoons began talking to Father Conway that he ought not to do it. When we seen them talking and going on that way, we got away.

2541. Mr. *Montague Smith.*] Do you mean to swear that you left the dragoons talking to Father Conway?—Yes.

2542. You do?—The stipendiary that was along with them.

2543. Did you hear the dragoons talking to Father Conway?—The stipendiary and the dragoons began with him too.

2544. Do you mean to swear that the dragoons were talking to Father Conway?—I do not know that the dragoons, but the stipendiary that was along with them.

2545. If I understand, you jumped off immediately as soon as you saw the mob?—As soon as Father Conway came up, and Mr. Bourke said he had to give his pledge,—to swear,—that is what he said,—to swear first; then "I had to give my pledge;" but he said he had to swear that he would not vote for Colonel Higgins.

2546. Was it at the moment he told you that, that you jumped off the car?—No, I did not jump off till Father Conway came up, and said that there was three or four men killed in the town of Ballinrobe.

2547. Was it then that you jumped off?—Yes; when I saw the mob coming on them.

2548. You jumped over the hedge; how long was it before you came back to the road that you saw Father Conway appear, after you went across the field?—I did not go across the field; when once I got out of the car, I ran off, making my way home; Father Conway came up to me then.

2549. Did you go back along the Cong road?—Yes.

2550. Did you turn back, and go towards Cong?—I returned out of the car, and was going up to my own place.

2551. You certainly said just now that you ran across the field?—I did run across the field when Father Conway and the mob came up to me, after going out of the car.

2552. Then you ran across the field, and you say that then you were brought back?—Yes.

2553. Then you say you were afraid to go into Ballinrobe?—I was.

2554. And you were taken to Cong?—Yes.

2555. Were you told that you would be safe at Cong?—They did not tell me that I would be safe.

2556. You were afraid, you say, to go into Ballinrobe; did they tell you you would be safe at Cong?—They did not say I would be safe at Cong. There were three or four of the mob took care of every freeholder.

2557. You came in, you say, in the morning; were you afraid to go up to the poll on the Monday?—Ask me again, till I understand what you say.

2558. On the Monday you say you were in Ballinrobe; you went out in the afternoon, and the poll was closed?—Yes.

2559. Then, the next day you went up; you say you went up next day, you and the other man, of your own accord?—Yes; the guard went along with us.

2560. Where did you get the escort?—I will tell you that; when we were alone at Father Conway's, Father Conway went out, and told us to stop there that morning till he returned back again; well, we went on our own liberty; we walked back to the King's Road from the house, as far as the gate. Well, one of our men, our friend, was inquiring for us, and he did not know where we were those two days past and two nights. He inquired of this man, "Did he see us?"

2561. By the *Committee.*] Was this after you had polled?—No, before I had polled.

2562. Mr. *Montague Smith.*] Where did he inquire for you; at Father Conway's?—

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way's?—Did not I tell you we went back to the road, and this man seeing us inside, in Father Conway's lawn, inside the gate, when he asked this man did he see such a person. I seed him there above. Now, he said, go up and tell him to come down to me.

2563. You were there in Father Conway's garden, able to communicate with anybody?—Yes, we were afraid of the mob to go out in the road.

2564. But I thought you said you would rather be cut into quarters than go back to Father Conway's again?—I beg your pardon; you are taking me short.

2565. You say you were afraid; you were out there; why did not you go out to walk to the poll?—I do not understand you.

2566. You were in Father Conway's lawn; why did not you go out to walk to the poll?—I would not because he told me to stop there; I was afraid of the mob.

2567. But you did not stop?—Well, I would like to go out for a little walk; and the man, when he got word I was there, he sent the account to me he would like to speak a few words to me.

2568. He told you, you say, to stop, but you did not stop; you went out?—Yes.

2569. You and the other man were in this lawn; what is there between that and the road; a railing?—Yes.

2570. And a gate?—Yes.

2571. Was the gate open?—Yes.

2572. There was nothing to prevent your going out in the street if you had liked?—We were afraid to go out in the look of the mob, but after all, when this man sent us the account, we went out.

2573. You say you were afraid to go out; you had an open gate, and you had said the night before you had been so badly treated, that you would rather be cut into quarters than be taken back there?—Not there; on Monday evening I said that, when we were brought out to the polling.

2574. Which hotel was it you were at, Gildea's?—Gillott's hotel.

2575. Is that near the court-house?—Yes.

2576. Is it quite close to the court-house?—Yes, across the street just.

2577. Where did you meet the escort, that you say you went up to the poll with?—They came into Mr. Mayne's, that is a public-house.

2578. How far was it from Father Conway's?—I cannot tell how far it was; Father Conway's is this end of the town, and this house I mean is in the middle of the town.

2579. Did you go from Father Conway's to this house without escort?—When this man sent for me.

2580. You say you met an escort at this house which you have described?—They came in for me.

2581. Came where?—They came into the house to bring us to the poll.

2582. Then you went from Father Conway's house to that house by yourself without an escort?—We did.

2583. By the *Committee.*] Were you escorted to this place by the mob, or did you walk by yourself?—I walked by myself to this house. It was agreed when that other friend of mine sent the account that inquired two days for us, when I was made a prisoner.

2584. Has Mr. Strickland, the bailiff, been talking to you about this matter?—I do not know.

2585. Since the election?—I do not know, what do you mean?

2586. Has Mr. Strickland spoken to you about the way you gave your vote since the election?—No, he has not.

2587. Has not he spoken to you at all?—I have seen him.

2588. Has he spoken to you about your vote?—I suppose he has, who did I vote for.

2589. Has he spoken to you at all since the election about the way in which you gave your vote?—He spoke to me, but he did not ask me to whom did I give my vote; I am sure he heard it.

2590. What did he say to you?—He said nothing to me; he asked me how I was.

2591. Did he say nothing to you about the way you voted?—No.

2592. Did he talk to you about the election?—No.

2593. Not at all?—No; I suppose he heard how it was; he did not speak to me about anything.

2594. Who

2594. Who is the bailiff on the estate, or the driver?—Thomas Gray.

2595. Did he speak to you about the election?—No.

2596. After the election was over, did he speak to you about the election and the way you had voted?—To be sure, he spoke to me to vote for Colonel Higgins.

2597. After the election was over, did he ask why you had not voted?—To be sure he did; I told him I was afraid of the mob.

2598. Are you a Roman-catholic?—I am.

2599. You say the mob wanted you to vote for Moore and Palmer?—Yes.

2600. You did not do that?—I did not.

2601. When did you first get your vote; how long ago; you say you never voted before?—I never did.

2602. How long have you been registered?—I do not know how long.

2603. Cannot you tell about?—I cannot tell; I do not recollect.

2604. Has it been some years?—Well, I believe it has; I do not know.

2605. Are you quite sure you never voted before?—I am quite sure that I never voted for a Member before.

Re-examined by Mr. *Edwin James.*

2606. I dare say you do not care much whether you ever vote again in this way?—I had rather not to be treated in this way; a man who has no one at home but himself.

2607. When Gray asked you how you had voted, did you tell him whom you had voted for, when Mr. Gray asked you about your vote?—I told him I was afraid of the mob, and afraid of my life.

2608. That is why you voted for Mr. Moore?—Yes.

2609. Is that the truth?—Yes, it is.

2610. Just let me understand this; you said you were told you would be safe at Cong; you were safe; you were locked up there?—I was.

2611. After you were too late to poll on the Monday, you say Father Conway and the mob took you down to his house?—The mob did; Father Conway brought me out of the court-house.

2612. Father Conway brought you from the court-house, and the mob took you down to Father Conway's house?—Yes.

2613. On the morning, when you were standing upon the lawn, you say some friends of yours were inquiring where you were?—Yes.

2614. They had missed you two nights and two days?—Yes.

2615. Were you in point of fact kept prisoner against your will?—Yes.

2616. You were standing upon the lawn of Father Conway's house?—Yes.

2617. I suppose while you were at Mr. Conway's house you were not interfered with by anybody?—No.

2618. Of course nobody interfered with you then?—No.

2619. Did you learn that there was a party of your friends who had inquired for you up at Mane's?—Yes.

2620. At the public-house?—Yes.

2621. In consequence of their having inquired about you, and learning that they were at Mane's, did you go up there?—I did.

2622. To join them?—I did.

2623. When you got there and went to join them, did you find there a military escort, ready to take the voters to the poll?—Yes.

2624. How many escorted you to the poll from Mane's, as many as 30 or 40? I do not know, I cannot tell.

2625. Were they infantry, foot soldiers or horse soldiers?—Foot soldiers.

2626. Did you give your half vote for Mr. Moore against your will?—I did.

2627. And through fear?—Yes, I did, and I was afraid. I had made a promise to the mob, before Father Conway, to give one for Mr. Moore.

2628. You have stated that you were frightened at the mob; you stated that Mr. Burke of Ower had told you something which had frightened you?—Yes.

2629. Were you frightened when Mr. Conway told you that there had been men killed at Ballinrobe?—Yes.

2630. That frightened you?—Yes.

2631. Did you believe what Mr. Conway said at that time?—I did so.

2632. It had the effect of making you run away?—Yes, it did.

2623. When he told you that there had been men killed?—It did.

Mr. *Michael Langhan* called in; sworn, and Examined by Mr. *James*, as follows:

Mr. *M. Langhan.*

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2634. DO you live at Ballymagbillon?—I do.

2635. In the county of Mayo?—Yes.

2636. What are you by business, a small farmer?—A small farmer.

2637. You farm a little land?—Yes.

2638. Is it your own; do you vote as a freeholder?—It is.

2639. It is your own?—It is.

2640. Well now, were you on a car on Sunday evening, going up to Ballinrobe?—I was.

2641. With Moran?—I was.

2642. With Jimmy Moran?—I was in another car.

2643. There were three other cars?—Yes; I was in one car, and Moran was in another.

2644. You were not in the same car as Moran?—No; I was in one, and he was in another.

2645. Were you all going up to vote for Colonel Higgins?—We were.

2646. The whole party?—Yes.

2647. How many were there altogether?—Four freeholders.

2648. In each car?—No; there was four or five, and each freeholder was in one car.

2649. How many did each car contain?—Three or four; but they did not go this evening.

2650. Were there as many as 12 or 16 freeholders?—Going this evening?

2651. Yes; up to Ballinrobe?—No.

2652. How many altogether; how many in all the cars were there altogether?—Four.

2653. Four in one car?—One in each car; Moran and I, and M'Tighe, and one called Paddy Conder.

2654. Were you in the same car with Moran?—I was not; I was in another car along with him.

2655. These cars carry two, one on each side; there is the driver, and then two on each side?—They could.

2656. Was Moran on the same car with you, or was he on another?—He was in the same car along with me; he was in one car; I was in another.

2657. Now, do attend; how many people will one car carry?—One car?

2658. Yes?—One car will carry four, and six, and seven.

2659. Four or six?—Yes.

2660. Was Moran on the same car with you, or on another?—He was not.

2661. But he was in another car which was along with you?—Yes, in another car.

2662. *Committee.*] Who was on the car with you?—There was no one but the driver.

2663. Were you drawn by different horses?—Quite different horses we were.

2664. Mr. *James.*] Now, as you were going along do you remember seeing a large mob coming?—Yes.

2665. About how far from Ballinrobe were you when you met those men?—About a mile and a quarter.

2666. You say that you were going up to vote for Colonel Higgins?—Yes.

2667. Were you going to plump for him?—Yes; I was, surely.

2668. Had you any intention of voting for Mr. Moore?—No; I had no intention at all of that.

2669. Now, before you met this mob, had you seen Mr. Burke, of Ower?—I had.

2670. Now, what had he said to you?—He begged us boys to turn home; he was ill-used; we had seen him ill-used. Mr. Conway came up, and he told us that three or four men had been killed at Ballinrobe.

2671. And then Father Conway came up?—Father Conway came up and said there had been three or four men killed in Ballinrobe.

2672. Was Father Conway on horseback?—He was.

2673. Well now, what was the appearance of this mob that met you? How many do you think there were?—What number?

2674. Yes?—

2674. Yes?—I really could not tell; but my opinion was that there were 300 or 400 men.

2675. Did Mr. Conway come out in front of the mob?—Yes; he met us before the mob came up at all.

2676. How far was he in front of the mob, do you think?—I really could not bring it to bear; but he was a little distant before them.

2677. Now, when Mr. Burke stated this to you, and when Father Conway told you that three or four men had been killed in Ballinrobe, were you alarmed?—I was; and I said to ourselves we had better return home, and go up to Ballinrobe the following morning.

2678. You were frightened?—Yes, we were frightened.

2679. What happened then?—We turned round then to our own way.

2680. Did you get off the car?—Yes.

2681. To turn homewards?—Yes.

2682. What happened then?—We came on a good bit, and the mob followed us, and took us.

2683. Did they seize you?—They did.

2684. Well, did they take hold of you?—They took hold of me, and took me by the coat and held me.

2685. Did they take you back to Father Conway?—Yes, they did.

2686. Now, at the time when they took you back, and you had gone away, had the military with the other cars gone on to Ballinrobe?—They had.

2687. They had gone on with the other cars to Ballinrobe?—Yes.

2688. Mr. Conway, the priest Conway, was the only man on horseback?—Yes.

2689. *Committee.*] Is Father Conway your priest?—No.

2690. Mr. *James.*] Had you known him before; had you seen him before?—I had seen him several times before.

2691. Now, when they brought you back, the mob, you say, got hold of you, and brought you back to Father Conway?—Yes.

2692. Do you remember whether Father Conway brought any paper from his pocket?—He pulled a paper out of his pocket, and asked me my name, and I told him my name, and he said you are a freeholder, "Keep that fellow in custody," he said to the mob.

2693. He said, "You are a freeholder"?—Yes.

2694. Did he look at the paper at the time?—He did. He asked my name.

2695. Can you read printing?—Yes.

2696. Did you observe whether he looked at any printed paper like that (*showing a paper to the Witness*)?—I was not so near him.

2697. But, however, he looked at some paper?—I was not so near him as to say.

2698. He asked you whether you were a freeholder, and you gave him your name?—Yes.

2699. What did he say then?—He told the men to keep me in custody, for I was a freeholder.

2700. Did they keep you in custody?—They did.

2701. Now, what was done with you?—We were brought into Cong.

2702. Did the mob follow to Cong?—Yes; the whole way to Cong with us.

2703. Where was the priest at that time?—He was along with them.

2704. On horseback?—Yes.

2705. He went with them?—Yes.

2706. Were you prisoner at that time?—I was; there was a man keeping hold of me by the knees on the car the whole way.

2707. There was a man holding you by the knees on the car the whole way?—Yes.

2708. When they got you to Cong, where did they take you?—To a little inn that is there, one Peter Volkinburn's.

2709. What did they do when they got you there?—They brought in some more freeholders with me.

2710. Did they keep you during the night?—To very near break of day.

2711. On the Monday morning?—Yes.

2712. Can you give the names of the people that were there with you?—The freeholders.

2713. Yes?—Moran was along with me, Tighe, Joe Huddy, and Thomas O'Brien, Walter Liner, Billy Ryan, and Martin Marritt.

 2714. Did

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2714. Did you see Mr. Conway during the night?—I did; he came to us.

2715. In to Volkingburn's?—Yes.

2716. What time of the night or morning did he come there?—I really could not tell what time of night.

2717. Did any of the mob come with him when he came?—As good as nine, or ten, or twenty of the mob. They were the whole night in charge of us; and the rest outside, you know.

2718. When Father Conway came to you during that night, or in the morning, what did he say to you?—He asked that we should vote for Moore and Palmer, and we made him an answer that we would not. The whole of us made an answer that we would not.

2719. What did he then say to you?—He said that we should vote for Moore and Palmer. I told him I would not do so. I said that I should vote for Colonel Higgins, the man I had left my home to vote for.

2720. Now, then, about what time in the morning were you taken out?—We were going into Ballinrobe by the break of day.

2721. Who took you up to Ballinrobe?—Father Conway.

2722. And the same mob?—And the same mob.

2723. When they got you to Ballinrobe where did they bring you?—They took us to an hotel there; a house belonging to Gilliott.

2724. Were you kept there during the day?—I was kept there during the day.

2725. Did Father Conway come to you again during the day?—He came in to us a couple of times.

2726. During the day?—Yes; he asked me several times whether we would vote for Moore and Palmer, and we made him an answer always that we would not.

2727. Did he take you to the poll at four o'clock, when it was too late?—Yes. We said then that we would vote for Moore and Palmer. We said to him we would vote for Moore and Palmer. We said that in order to get out.

2728. If I understand you, in order to get out you said that you would vote for Moore and Palmer?—Yes.

2729. He did not let you out, did he?—He brought us to the poll, and the poll was closed before us.

2730. When you told him, in order to get out, that you would vote for Moore and Palmer, he took you up to the poll?—Yes.

2731. And it was too late?—Yes.

2732. Now, did you mean to vote for Moore and Palmer, or did you say that in order to get your liberty?—In order to get my liberty.

2733. Did he take you to the poll himself?—He did; and the booth was closed.

2734. Where did he take you then?—He said then that we should return to the same place again.

2735. That is to Gilliott's?—Yes; we said we would not go to the same place where we had been ill-used the whole day.

2736. How had you been treated there?—We got nothing the whole day to support us, either a bit to eat or drink; very little.

2737. Well, were you locked up?—At Gilliott's hotel.

2738. How came you to get to Father Conway's house that night?—He sent a part of the mob with us.

2739. To take you down to his house?—Yes.

2740. When the mob got you down to his house, where were you put?—We remained there during the night.

2741. But where were you put?—In his own house.

2742. In the kitchen?—In the kitchen.

2743. In the morning he went out early?—Yes.

2744. In the morning of the Tuesday?—Yes.

2745. Now, finding that he had gone, did you and Moran get out of the house?—When he went away he told us to stay till he returned.

2746. When his back was turned, what then?—We got out then.

2747. You got your liberty?—Yes.

2748. Were you standing upon his lawn?—No; I was standing in a house just opposite his gate.

2749. While

2749. While you were in Conway's house, and standing on his lawn, you were not interfered with?—No; we did not wish to hit upon the town at all.

2750. Had some of your companions been inquiring for you?—Yes.

2751. Mr. *Karslake.*] Ask what happened.

Mr. *James.*] I should not do that, because that will lead to everything that occurred during the election.

2752. To the *Witness.*] Did you learn that some of your companions had been inquiring for you?—Yes; they had got no tide of us during two days.

2753. Hearing that they had been inquiring for you, and had had no tidings of you for two days, did you go up to Mane's house?—Yes, there was one Grady, he sent down a man for us.

2754. And that took you to Mane's?—Yes.

2755. Did you go from Mane's to the poll?—Yes.

2756. When Father Conway took you to poll on the Monday, when you were too late, had you an escort of soldiers with you then?—No, I had not.

2757. You were under his care?—I was under his charge.

2758. Did the mob interfere with you when you were under his charge?—No, they would not do that when I was under his charge.

2759. They would not interfere with you while you were under his charge?—No.

2760. You polled for Colonel Higgins and for Mr. Moore?—Yes.

2761. You split your vote?—Yes.

2762. Had you left with the intention of plumping for Colonel Higgins?—I did; but for fear of my life I would have plumped for him. I was afraid when I saw how they were ill-used.

2763. Now, does your little farming business take you to Ballinrobe to sell your produce?—Yes, I cannot touch upon Ballinrobe now.

2764. Are you afraid to go to Ballinrobe?—I am indeed.

2765. You are known there?—I am. I will tell the truth between both parties.

2766. *Committee.*] Are you a Roman-catholic or Protestant?—I am a Catholic.

Cross-examined by Mr. *Karslake.*

2767. You say that you are a Catholic?—Yes.

2768. This was the first election for Members that you had voted at?—Yes.

2769. The first?—Yes.

2770. Who had canvassed you for this election?—Mr. Jennings.

2771. Mr. Mark Jennings is that?—Mr. Jennings, Colonel Higgins's agent.

2772. Was that William Jennings?—No; Pat Jennings.

2773. Mr. Higgins's agent?—Yes.

2774. How long before the election had he canvassed you?—How long.

2775. Yes?—I really cannot tell. He applied to me for Colonel Higgins; and I promised him for Colonel Higgins.

2776. How long before was that, can you tell me?—I really cannot tell you that. I cannot tell the certain time. I cannot say whether it is a fortnight or ten days. I am not certain.

2777. How far do you live from Moran, the last witness?—We live in one village.

2778. Did the other men who were coming up with you on the car live in the same village?—No.

2779. Where does Tighe live?—In Crasse.

2780. How far from you?—About a mile.

2781. And the other man, Huddy?—He was very near two miles from us.

2782. Where did you meet them that Sunday when you were coming up together?—The other freeholders.

2783. Yes?—We met them in the inn; and some more were confined in the hotel.

2784. There were four cars, and four men on them?—Yes.

2785. Where did you meet the other three men?—We met three of them when we were making our way to Cong. We met them at Mane's.

2786. Where did you meet the dragoons?—The dragoons from Crasse.

2787. You all started from Crasse together?—Yes.

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2788. Were there any others that started with you besides the four you have told us of?—No; except Jennings, the agent.

2789. Where did he go to then?—He went into Ballinrobe straight with us.

2790. On the car?—On the car.

2791. Was there anybody else besides Jennings on the car, and the freeholders?—There was one or two more, but they were not freeholders. There was a schoolmaster; and he turned away when he saw how the case was. He was afraid to go into the town.

2792. The first thing that you saw, as I understand, when you came towards Ballinrobe, was the car with the Mr. Burkes in it?—Yes.

2793. Are you quite sure that Father Conway was riding at that time?—I am quite sure.

2794. Did you see him any part of that afternoon riding on the car with Mr. Burke?—No; because we went on a bit before them, and he came up to us again.

2795. You did not see him?—No, I did not. We took the field some time, and made our way into the road again.

2796. You say that he was on horseback by the side of the car when you first saw him?—He was, when we met him first.

2797. Now, you got off the car?—Yes.

2798. Did you see what became of the other freeholders?—I did not see what became of them.

2799. There was only one other went along with you?—Tighe went with us.

2800. Did you get off the car and go into the fields?—Yes; and then we left the fields and went into the road, and then we went into the fields again; and then into the road again.

2801. How far was it from the place you first met Mr. Burke where you afterwards saw Mr. Conway?—Afterwards.

2802. Yes?—It was about half a mile.

2803. Was that after the place that Mr. Burke turned off to go to his house. Do you know the turn in the road where Mr. Burke would turn off to go to his own house?—Yes.

2804. Was it past that turn in the road that you saw Mr. Conway again?—It was.

2805. Now, you say that you went in early in the morning?—Yes; early in the morning.

2806. The morning of Monday?—Yes.

2807. When you went down with Father Conway to vote, you said that you did so to get your liberty?—Yes.

2808. Did you intend then to plump for Colonel Higgins?—Yes.

2809. You did?—I did.

2810. If the poll had been open you would then have plumped for Colonel Higgins?—Surely for Colonel Higgins.

2811. Now, when was it afterwards that Father Conway told the people to take you to his house?—Just after we came out of the coach-house at Ballinrobe.

2812. And you went to his house?—Yes, we did.

2813. The next morning, after Father Conway went out, you went down quite quietly to Mane's hotel, did you not?—Yes.

2814. How many of Colonel Higgins's men did you meet at Mane's hotel?—I do not remember that I met any man at all belonging to him.

2815. How many voters of Colonel Higgins's did you meet down at Mane's?—I did not meet any there.

2816. Who went up with you to poll?—Mr. Griffin, and a party of police.

2817. No soldiers?—No soldiers.

2818. You went up quietly enough, did you?—Yes, I went up quietly enough.

2819. Did the men who went up with you plump for Colonel Higgins?—Huddy plumped for him, but neither Moran nor I plumped for him.

2820. When you got up you voted for Moore and Higgins?—Yes.

2821. Where did you go after you had voted?—We came out after voting.

2822. What did you do then?—I was afraid to come out after voting; Father Conway brought us out after voting, because when the mob saw us going in they made sure we would plump for Colonel Higgins, and we got no escort.

2823. The escort came up with you to the booth?—Yes.

2824. Did you ask the escort to wait for you?—Coming out.

2825. Yes?

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2825. Yes?—No, I did not.

2826. Did you find any escort there?—No, I did not; Father Conway came up, and escorted us out.

2827. Where did you go?—We went down the street, when Father Conway told them not to touch upon us.

2828. You had voted for Mr. Moore then?—Yes.

2829. *Committee.*] Did they touch you?—No.

2830. Mr. *Karslake.*] Where did you go then?—I remained there then. During that evening.

2831. Yes?—Father Conway brought us up in his car with him.

2832. Where did you go immediately after you left the booth; did you remain with the people outside?—Yes, I did.

2833. How long were you outside?—I cannot really tell how long; I could not tell.

2834. Did you wait there some time?—I waited for some time.

2835. Did you go to Mane's afterwards?—I went into Mane's.

2836. And washed your throat out, I suppose, did you not?—No.

2837. You did not?—No.

2838. How long did you remain at Mane's?—I really cannot tell; I went in different times before I left the town.

2839. What time did you leave the town?—I am sure it was after six o'clock when I left the town.

2840. Did you walk home, or go home in a car?—I really cannot tell what certain time it was when I left the town.

2841. You left about six o'clock?—I think it was about six; I am not sure.

2842. What time was it you polled on that day; about one o'clock?—I think it was about ten or eleven; I am not sure what certain time it was; it was about ten or eleven I polled, I think.

Mr. *Mark M'Tighe* called in, sworn, and Examined by Mr. *Edwin James*, as follows:

Mr. *M. M'Tighe.*

2843. WERE you a freeholder of the county of Mayo?—Yes, I was.

2844. Were you going up with this party to Ballinrobe on Sunday evening?—Yes.

2845. Were you going up to plump for Colonel Higgins?—Yes.

2846. Whose tenant are you?—I am a tenant to Colonel John Anderton; Colonel-general John Anderton is my landlord.

2847. Now, you were going up with the other voters to vote for Colonel Higgins?—Yes.

2848. Now, did you see this mob?—Yes.

2849. And Father Conway?—Yes.

2850. Were you frightened?—Yes.

2851. You were?—Yes, for fear of my life.

2852. You were afraid of your life?—Yes.

2853. Did you endeavour to escape; did you get off the car?—Yes.

2854. What did the mob do to you when you did that?—The mob followed me when I was going home; towards home they followed me.

2855. Did they take you back to where Father Conway was; did you see Father Conway?—He was the first gentleman that came up to me, and stopped me for the mob.

2856. Did he put any question to you?—He asked me what was my name.

2857. Did you observe whether he had any paper in his hands?—Yes, he had the same as that I see there (*alluding to a paper which the learned Counsel held in his hand*).

2858. The same as this, the register?—Yes.

2859. He had that in his hand?—Yes.

2860. He asked you your name?—Yes.

2861. Did you give it him?—Yes, I did.

2862. When you gave him your name, did he look at the paper, the register?—Yes, he did.

2863. And what did he say to you when he found your name, or looked at the register?—He gave me up to the mob.

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2864. Did you tell him how you were going to vote?—He asked me my name.

2865. You told him your name?—Yes.

2866. Was anything said about your vote, about how you were going to vote?—No.

2867. But he gave you up to the mob?—Yes.

2868. What did the mob do?—They took me to a town called Cong; they put me upon a car.

2869. Were you locked up with the other men at this place, at Cong, at Volkinburn's, during the night?—Yes, some part of the night.

2870. You escaped, you got away, did you not?—Yes, I did, sometime in the night.

2871. From this place at Cong?—Yes.

2872. You made some excuse to go out, and got away?—Yes.

2873. From this place at Cong?—Yes.

2874. How did they take you to Cong?—They put me on a car, and put a man to keep hold of me for fear I would go.

2875. Till they got you to Cong?—Yes.

2876. What time of the night did you make your escape from this Volkinburn's?—I do not know rightly, because I had no time-piece or watch, but some time during the night I know.

2877. Where did you go when you got out at Cong?—I made my escape from over a high wall, and I let myself down, and went myself to a common that is there, and I stole away to a friend's house.

2878. Now, were you alarmed at this mob; were you frightened?—Yes.

2879. What for, your life?—Yes; I thought they would kill me.

2880. Well now, having made your escape at Cong, where did you go to?—I made my way then when I stopped at my friend's house till about five o'clock. I did not know what time they might find me out, or get information and trace me out. As soon as I got time I made my escape home.

2881. From your friend's house at Cong?—Yes.

2882. Were you in a state of alarm at that time?—I was, for I was frightened at the other side of the town; it was in alarm.

2883. What was the state of the town of Cong that night?—I thought they were killing and ripping one another, and that Cong was broke loose, and I was alarmed.

2884. Before you made your escape from Volkinburn's, at Cong, did Father Conway come in to you?—Yes.

2885. Where you all were?—Yes.

2886. That was during the night?—Yes.

2887. Some of the mob were turned in with you, we understand?—Yes.

2888. To take care of you?—Yes.

2889. How many to each voter; how many were there?—Well, I do not know; I did not count them, but there was as much inside the room as would mind us, and there was a heap outside as well.

2890. When you got out in the night was there that mob about the town of Cong that night that you were alarmed?—Yes.

2891. Having escaped to this friend's house, did you get to Ballinrobe afterwards and vote?—Yes.

2892. What time did you get to Ballinrobe?—The following day.

2893. On the Monday?—On the Monday.

2894. When you had got away and made your escape, you went to the poll and plumped for Colonel Higgins?—I made my way home, and I was afraid they would follow me to my own house. I said that on any account I would not go again until I heard there was four times as much to take care of me as there was at first.

2895. What did you mean by that, soldiers?—Soldiers; army.

2896. Did you go up with the soldiers to vote?—Yes.

2897. Where; at your house?—My house is within a mile out in the country, where I joined the police.

2898. Where did you join the soldiers that took you to vote?—Within a mile of my own house; four miles from Ballinrobe.

2899. You joined an escort of soldiers within a mile of your own house?—Yes.

2900. You

2900. You say that you were afraid to have gone up unless there were more to protect you?—I would not go for anything, unless I would have as much as that to protect me.

2901. Were there a great many soldiers went up with you?—Yes.

2902. How many?—I could hardly count the police and soldiers. I never counted them, but there was a great body.

2903. Horse soldiers or foot soldiers?—Horse soldiers and police.

2904. The police were armed, were they not?—Yes.

2905. They are in Ireland?—Yes.

2906. Then having got away you did get up with this escort, and you plumped, I believe, for Colonel Higgins?—Yes.

2907. Now, do you sell your little produce in Ballinrobe?—I do; it is my market business to go there, making out my rent, and I am afraid now to go there for my life.

2908. Are you now afraid to go into the town of Ballinrobe?—Yes, I would like to get protection going there, for I am afraid to go and do my business in it.

Cross-examined by Mr. *Karslake.*

2909. Who was on the first car when you got up to Mr. Burke's; who was on the first of the cars that went along the road when you met Mr. Burke coming along on the Sunday?—Which Mr. Burke.

2910. Did you meet Mr. Burke, of Ower, at all?—Yes.

2911. Who was on the first car?—I think his son.

2912. How many cars had you first?—Four.

2913. Were you on the first?—I do not know which of them was I on; there was soldiers before us and after us.

2914. There were soldiers before you and after you?—Yes.

2915. How many soldiers had you?—I think from 11 to 12.

2916. What pace were you coming along when you met the cars?—Within a mile and a quarter.

2917. Were the cars walking; were you going at a walking pace when you met Mr. Burke's?—Which Mr. Burke.

2918. Mr. Burke, of Ower?—We were sitting on the car when he came up; when he came from Ballinrobe before the mob.

2919. He was some way before the mob, was he not?—He was scared to death; he was afraid.

2920. Was he some way before the mob?—Some way, yes.

2921. In advance of the mob?—Yes.

2922. And was Mr. Conway with him, close to him?—I know it was Mr. Conway coming after him.

2923. Was he coming after him, or by his side?—He was coming after. I did not see him at the same time.

2924. Then did you get off the car and run away directly?—Yes.

2925. And how far did you run before the mob came up to you?—I ran about a mile and a half, I think, or two miles. I do not know exactly, but I think it was a mile and a half to my knowledge.

2926. Now, when you did see Father Conway, did he say if you would come with him he would take care of you?—I said, I would not go with him; "By God," said I, "I'll go home." I said, "I'm afraid you are going to get me killed, Father." He told them to hold me, because I said I would not go. He told them to hold me any how.

2927. Who had canvassed you for your vote; who had spoken to you about giving your vote?—It is a driver that came to me.

2928. Who was the driver?—One Jennings.

2929. Whose driver is he?—He is a man belonging to Colonel Anderton; he is a driver to my landlord.

2930. How long before the election had the driver been to you?—Well, not too long; I do not know what time. I did not mind, because I was to vote for Colonel Higgins. I did not mind such questions; my intention was to vote for Colonel Higgins and for no other man.

2931. Had you ever voted before?—I had voted twice.

2932. Had you voted for Mr. Moore?—No, never.

2933. You never had?—No, never.

 2934. Are

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2934. Are you a Roman-catholic?—I am.

2935. What elections have you voted at?—I have voted at the coroner's elections.

2936. Did you vote for Colonel Higgins in 1852?—I did not.

2937. Did you vote at all?—I voted since.

2938. You have voted since?—Yes; I am a new farmer.

2939. Was this the first election you have ever voted at?—Yes, for the colonel.

2940. You were not registered for some time before; were you registered as a voter in 1852?—Yes.

2941. Mr. *James.*] You have been to America and returned?—Yes.

2942. Mr. *Karslake.*] How long was it between any election you took a part in, and this election?—I have voted on other business; for a coroner, Mr. Routledge.

2943. Now, you say that you got away out of Cong; you first went to a friend's house, and then got home?—Yes.

2944. Did you see anything of the mob after you got over the wall?—Oh, Lord! I see the town in a blaze, groaning, and fighting, and killing; and I went to my friend's house, and I was afraid to remain there, and I went out of the door by the back way.

2945. You heard a good deal of noise going on at Cong?—Yes.

2946. And killing one another?—Yes, as much as frightened me.

2947. Who went in with you the next day to vote?—I do not know, there were so many.

2948. There were a good many?—Yes.

2949. Did you vote on the Monday?—I voted on the Monday.

2950. Were all these that went in with you Colonel Higgins's voters?—Yes.

2951. Where did you go on the Monday evening; did you go home again?—I was escorted into a house till they had protected me home again; the army put me into a house.

2952. Was that Monahan's?—No.

2953. Mane's?—No, Mrs. Monahan's.

2954. How long did you remain at Mrs. Monahan's?—I do not know how long, but I stole out the back way for fear I would be killed at night.

2955. Did you go home at night?—I did; a back way. The mob was in front of the house.

2956. Did you go home that night?—Yes.

2957. Was any one with you?—No; I kept myself to myself altogether; I was no freeholder; I went out with the policeman on the wrong side.

Re-examined by Mr. *James.*

2958. You say that the town was in a blaze?—There was a terrible noise and fighting going on.

2959. Were there any windows broken in the town?—I heard there was.

Mr. *Timothy Scahill,* called and sworn; and Examined by Mr. *Hale,* as follows:

Mr. *T. Scahill.*

2960. ARE you in the employ of Colonel Higgins?—Yes.

2961. Do you recollect the last election for the county of Mayo?—I do.

2962. Do you recollect Sunday, the 5th April?—I do.

2963. Were you on that day going to Ballinrobe?—I was.

2964. What did you have with you?—I had a mule and a cart of hay, and a horse and a cart of straw.

2965. Was any one else with you?—Yes, there was a man of the name of Pat Thornton.

2966. How near did you get to Ballinrobe?—Within a quarter of a mile of Ballinrobe.

2967. Whom did you meet when you got there?—I met Mr. Conway's mob.

2968. Did I understand you to say you met Mr. Conway and a mob with him?—I came up to the mob first.

2969. Did you see Mr. Conway there?—Yes.

2970. Was he on horseback, or on foot?—He was on horseback.

2971. Was

2971. Was Father Conway at the head of the mob?—No, it was the mob came up to me first.

2972. Then Father Conway came up afterwards?—He did.

2973. But he was with you at the same time the mob was?—He was.

2974. What took place as soon as the mob met you?—They kept me there; they all took hold of us; they went and took a hold of me and the horse.

2975. What did they do then?—They scattered the hay over the road and over the walls, and every place they could.

2976. Was Father Conway present at this?—He was. They did not scatter it till he came.

2977. For what purpose was the hay and straw going to Ballinrobe?—For the horses that were drawing in the voters for Colonel Higgins.

2978. For the cars on which Colonel Higgins's voters were coming in?—Yes.

2979. Did they scatter the straw as well as the hay?—They did.

2980. Did they leave you alone, then?—Not very long.

2981. Then did they keep with you?—They did. He ordered them to keep us.

2982. Father Conway ordered them to keep you?—He did.

2983. Did you go on towards Ballinrobe or back, or where?—No, they were going up the road, and they turned me up again along with them.

2984. Did they turn you back towards the Neale?—They did.

2985. What did they do with the horses; did they do anything to them?—They did nothing to the horses; but as soon as ever they got the hay scattered, he told them to keep myself there, and they brought me up the road along with them.

2986. Did they take the cart and the horses with you?—They did one horse. I let the other home up the road as soon as the load was scattered.

2987. After this, the mob kept you, and they kept a horse and a cart as well?—They kept myself and a horse when they scattered the hay.

2988. And then they took you down the road back again towards the Neale?—They did.

2989. Was Father Conway still with you?—He was.

2990. Did they tell you what they wanted the cart and horse for?—Mr. Conway told them it was to bring in the voters; that he was going to take the voters in it.

2991. He was going to take the cart to get Colonel Higgins's voters in it?—Yes.

2992. How far did you proceed down that road?—I went half a mile, and they brought me half a mile again.

2993. Did you meet any cars?—Three cars.

2994. Were there soldiers with them?—Yes.

2995. Did the mob do anything to them?—Mr. Conway rode up to them first, and would not let them go into Ballinrobe.

2996. Did you see any of the freeholders who were with those cars; did you see who they were?—No, I did not, but I saw them in the cars when they came up to me.

2997. Did you know them by name?—No; I could not tell that.

2998. Then did the people stop these cars; did the mob stop these cars?—They did, indeed.

2999. And did you see any of the voters afterwards with the mob?—No.

3000. Did the cars go through with the dragoons?—They did. Mr. Conway stood before them, and would not let them down; and the voters jumped off the cars, and went off home again.

3001. Do you know any of those voters who did jump off?—No.

3002. Did you see any more of the voters who did jump off afterwards?—No, but I saw them jump off the cars and make off home; and as soon they did, one of the soldiers drew out a paper and began to read it; and as soon as he did that, the mob scattered into a field, and Mr. Conway went into a house.

3003. As soon as the mob scattered, the escort proceeded on with the remaining cars?—Yes, the three cars went into Ballinrobe.

3004. After that did you see the mob assemble again?—As soon as ever they got the three cars down, and the soldiers had gone, Mr. Conway came out of the house and followed them up the road, and the mob gathered out into the road again.

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3005. Did they keep you with them?—Yes.

3006. Where did they take you to next?—Mr. Conway was asking every one who they were going to vote for. They said nothing. Then he drew out, he took a book out of his pocket, and swore three of them not to vote for Colonel Higgins, but to vote for Moore and Palmer.

3007. Do you know who those men are?—No.

3008. You do not know?—No, I could not tell.

3009. Well, then, after this, did they still keep you?—They did.

3010. Did you go still on the road?—They brought me with them all along till I went up to Lord Kilmaine's gate.

3011. Now after this scene of the dragoons going into Ballinrobe, had you any voters on cars with you going back?—No, I had not.

3012. You did not see them?—No.

3013. How far did you accompany them down the road; how far did you go with them down the road; to Lord Kilmaine's gate, did you say?—Yes.

3014. What did you do there?—As soon as we were very near the gate I saw a man running in the gate. He was running for fear of his life, and as soon as they saw him running in, every one on the road followed him in; they thought he was a man that was going to vote for Colonel Higgins. They left me outside the gate, and as soon as they went I began to lash the horse till I got home again.

3015. Now what was the manner of this mob; what was their conduct; were they quiet?—No, they were not. Who dared speak a word for Colonel Higgins?

3016. Had they sticks in their hands?—They did; they had not a stitch on them but their shirts.

3017. Did they seem disposed to fight, to attack?—They would fight any man that would speak for Colonel Higgins.

A Member of the *Committee* asked what was the piece of paper to which the learned Counsel had referred.

Mr. *Hale* replied, that he was instructed that it was the Riot Act, and that the Witness had said that it was a soldier who had it in his hand.

A Member of the *Committee* said that it could not have been a soldier who read the Riot Act.

3018. Mr. *Hale* (to the *Witness.*) Do you mean to say it was a soldier who pulled out the piece of paper, when Father Conway and the mob met you?—Yes, he was riding on his horse; he was on horseback.

3019. The person who took this piece of paper out was riding on a horse?—Yes.

3020. Did you see what colour his coat was?—Oh, I could not tell that.

3021. *Committee.*] Do you know what a soldier is?—I do, right well.

3022. Mr. *Hale.*] Do you know who it was that took the paper out?—No.

3023. You do not?—No.

3024. You say that the mob were very excited, with sticks; did you see any stones in their hands?—No, I did not.

3025. Now your fellow-servant escaped with the other cart and mule?—I let her home, and as soon as she got to the gate, she had to remain till I got home.

3026. He ran away?—Yes; as soon as he saw the mob coming.

3027. Now, since that period have you been into the town of Ballinrobe?—No; neither I would not, if I did not get any courage to go through it whilst I live, for they would kill me.

3028. Do you avoid Ballinrobe when you are on your master's cart?—We used to go there always, but if I was to have 20 *l.* to go into Ballinrobe I would not go into it.

3029. When you were going into Ballinrobe on this occasion were you going from Colonel Higgins's house?—I was; I was going from Pencorrin.

3030. Since that period have you been sent to the house of Colonel Higgins's at Mount Pleasant?—I was; I was to go two miles or three miles round before I would go to Ballinrobe, for they would kill me.

3031. Sooner than go to Ballinrobe you have been three or four miles round?—Yes.

3032. That was because you were afraid of your life?—Yes.

Cross-

Cross-examined by Mr. *Karslake*.

3033. Have you ever been to Ballinrobe since this time?—No.

3034. Never?—Never.

3035. You have never been there?—No; and I would not go through it.

3036. But you never have been there?—I was not in Ballinrobe since this.

3037. Since this?—No.

3038. Now what time of the day was it that you were going in with this cart of hay?—About three o'clock.

3039. And how near had you got to Ballinrobe?—I had got within a quarter of a mile.

3040. Who did you first see, Mr. Conway?—No, I saw his mob.

3041. Who told you it was his mob; what makes you call it his mob?—Because I know it was he that was over them.

3042. That is what you say?—Yes.

3043. Now you saw the mob first?—I did; it was that mob that came up to me first.

3044. How far behind the mob was Mr. Conway?—Not a very long distance at all.

3045. But I cannot measure it; can you tell me in yards about how far behind he was?—I could not tell, but he was not far.

3046. Do you know Mr. Burke?—Of Ower?

3047. Yes?—I do, right well.

3048. Was Mr. Burke with Father Conway?—I am not sure, I did not see him.

3049. Did you see anybody in a car with Father Conway?—He was not on a car; I did not see him on any car.

3050. Did you see a car with Father Conway?—No.

3051. Will you undertake to say that there was no car with Father Conway when he came up?—There was not.

3052. Did you see Mr. Burke, of Ower, that day at all?—No.

3053. You did not?—No, I did not.

3054. How long had the people come and laid hold of your horse before Father Conway came up?—It was not long: about three minutes.

3055. They never touched the hay or straw till he came up, did they?—No.

3056. What was it he said to them when he came up?—He told them to scatter the hay.

3057. And the straw?—Yes.

3058. And then they began?—They began, and they scattered it all along the road in every way.

3059. And did he stand by and look at it?—He did.

3060. How long was he standing there?—Indeed, it was not very long.

3061. Was it five minutes?—About that.

3062. Was he calling out to them to go on scattering all the time?—No, I did not hear him, but I heard him saying to them not to let any one in that would be voting for Colonel Higgins.

3063. You heard that, too?—Yes.

3064. While he was standing there?—I did.

3065. You were not a voter, were you?—I was not.

3066. But you heard that?—Yes.

3067. Did you not hear him say, "Scatter the hay and straw" more than once while you were there in the five minutes?—No.

3068. Only once?—Yes.

3069. You are quite sure that Mr. Burke was not with them?—I did not see him.

3070. But if he was not there, you must have known it?—It was not known to myself.

3071. Are you quite sure that Father Conway was on horseback?—I am quite sure that he was.

3072. He was not on a car at that time?—No, I did not see him.

3073. You will swear that he was on horseback, of course?—I will.

3074. I understand you to say that if a car had been there you must have seen it?—I did not see it.

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3075. You will swear that there was none there?—No.

3076. There was none there?—I did not see any car.

3077. This is a road, is it not?—It is a road.

3078. You must have seen the car if it had been there, must you not?—I would if there was any car, but I did not see any car facing me there.

3079. Well, then, they turned your horse towards Neale?—They did.

3080. How long was it after they had done that, that you met the cars coming in with the freeholders?—It was about a mile.

3081. What was Father Conway doing during that time; was he riding?—He was.

3082. He was not on the car during any part of that time?—I did not see him.

3083. He could not have been, then?—No; he was on horseback.

3084. Now, when you came up to the dragoons, were you driving in your cart?—I was; I was coming along with the mob.

3085. In the cart?—Yes.

3086. A foot's pace?—Yes; and the horse was hardly able to draw all that was in the cart.

3087. The horse was not frightened, only there was too heavy a weight?—I should think there was.

3088. The people were in the cart?—Yes.

3089. When you came up to where the soldiers were, did you stop?—I had to stop.

3090. How far before you was Father Conway then?—He was not very long.

3091. But was he close to you?—He was.

3092. As near as I am to you?—No.

3093. As near as across this room?—About that.

3094. Now you say that Mr. Conway rode up to the voters who were with the soldiers?—He did.

3095. And said, "I won't let you go into Ballinrobe"?—He took off his hat, and began to go before them, and would not let them come.

3096. What, drive them as you would sheep?—Yes.

3097. Hooted at them, stopped them, just as you would sheep in a road?—He did.

3098. And did they all stop?—Indeed they did.

3099. Well, then, your cart stopped too?—Yes.

3100. Then you say that somebody read a paper, and all the people ran away?—One of those that was on horseback, one of those soldiers drew out a paper; whether it was the Riot Act, I do not know, and they made their escape.

3101. They all ran away?—They did.

3102. The whole of the mob?—Yes; they jumped inside the walls, and ran into a house.

3103. Where did Father Conway go?—Went into a house.

3104. Then the road was clear, with the exception of the cars and the dragoons?—Yes.

3105. And your cart?—Yes.

3106. Did the dragoons pass on to Ballinrobe?—They did.

3107. Why did you not go with them?—No.

3108. Why did you not?—I stood there in the road.

3109. But why did you not get the protection of the dragoons?—I did not ask it. I was afraid of my life to stir.

3110. You were afraid to stir?—I was indeed.

3111. Did the dragoons pass you on the road?—They did.

3112. And the cars?—They did.

3113. And did you drive along the road towards Neale?—It comes up as far as Neale.

3114. Did you drive along the road?—I did, and the mob gathered out in the road again.

3115. Though you were afraid to stir when the dragoons were there to take care of you, you were not afraid to stir when they had gone?—As soon as the dragoons went into Ballinrobe, this mob gathered out, and I had to go up.

3116. You left the dragoons to go into Ballinrobe?—Yes.

3117. *Committee.*] Supposing the dragoons had wished to take you on, was there any object in going to Ballinrobe as your cart was empty; was there any reason

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reason for your going to Ballinrobe, supposing the dragoons had wished you to go?—No, I had not to go there.

3118. Mr. *Karslake.*] The hay and straw, as I understand, were all left in the road?—Yes, all scattered about in the road; there was a man wanted a knife to cut away all the harness.

3119. And he did not do it?—No.

3120. You say that you saw Father Conway afterwards?—Yes.

3121. How long was that after the dragoons had left you?—It was not long when he jumped out of the house again.

3122. Did you know the man who has been here, Moran?—Yes.

3123. Was he one of the men that you saw Father Conway with?—No.

3124. Do you know anybody that Father Conway was with?—No, I could not tell.

3125. Where was it that you saw them; how far on from where the dragoons were?—About a quarter of a mile from where they got the dragoons down to; the three cars being empty, they gathered out in the road again.

3126. How long after that was it that you saw Father Conway?—It was not long.

3127. Do you know where the road turns to Ower?—To Ower?

3128. Yes; do you know the road to Cong?—I do, right well.

3129. Was it before you got to the road to Cong that you saw Father Conway?—I was not near that at all.

3130. It was between the place where you saw the dragoons and where the road turns off to Cong that you saw Father Conway?—Yes.

3131. And you never saw him again till after you came to the road that leads to Cong?—I did not see him till I left Lord Kilmaine's gates.

3132. Did you not see Father Conway between the time that you left the dragoons and the time that you left Lord Kilmaine's gates, riding on a car with Mr. Burke, of Ower?—No.

3133. Will you swear that he was on horseback all the time?—I will swear that he was.

Re-examined by Mr. *Hale.*

3134. I think the road turns off to Ower; does the road branch off to Glencorrin?—There is a road goes there, and another road turning to Glencorrin, one to the right, the other to the left.

3135. You did not go down the Glencorrin road at all?—I did not.

3136. You say that all the hay and straw had been scattered; was there any use for you to go into Ballinrobe?—No.

3137. None?—No.

3138. *Committee.*] Was there any other cart that went away from Colonel Higgins's with straw besides yours?—No; there was a man along with me.

Mr. *Thomas Killalea*, called in; sworn, and Examined by Mr. *O'Malley*, as follows:

Mr. *T. Killalea.*

3139. YOU live at Coleyvallea in the county of Mayo?—Yes.

3140. You are a freeholder of the county of Mayo?—Yes.

3141. Do you remember the last election?—I do.

3142. Did you go to Ballinrobe to vote for Colonel Higgins?—I did.

3143. Did you vote for him?—No.

3144. Who did you vote for?—Moore and Palmer.

3145. How came you to vote for Moore and Palmer?—I was taking my breakfast, and they took me out, and I had to go down with them.

3146. You had not taken your breakfast?—No.

3147. Who were they?—I could not tell who they were.

3148. But some of the mob?—Yes.

3149. Do you mean the Ballinrobe mob?—I do.

3150. When you say that you had to go down, did they persuade you, or frighten you, or what?—No.

3151. Were you frightened?—They told me I should go down, and they would not let me take my breakfast till I did go down.

3152. Did they use any threats?—No.

3153. What did they say?—They said that I should go down.

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3154. Did they take you down with them?—I went down with them myself.

3155. How came you to break your promise?—I was afraid of them.

3156. That is what I want to know; did you try to hide from them?—I did; that was on Monday. I would not vote for any of them till I had my master's orders.

3157. On the Monday?—Yes; I went hiding.

3158. Where did you go hiding?—They followed me into a house, and I had to go under the bed that was in the room.

3159. Did they follow you?—They did; and after they had gone out of the house I went out, and they followed me again into another house; and in that house they would not let them come to me, and at night I went home.

3160. You escaped by night?—I did.

3161. Where did you go?—To my own home.

3162. At Coleyvallea?—Yes.

3163. Was that before you voted?—It was.

3164. Where did they come to you on the Tuesday?—I went in Colonel Higgins's car into Ballinrobe, to vote for him.

3165. To vote the second time?—Yes.

3166. Having failed on the Monday, you went on the Tuesday?—Yes.

3167. To vote for Colonel Higgins?—Yes.

3168. Where did you go to?—I went into Martin Higgins's.

3169. Was that where you were at breakfast when they came?—Yes.

3170. They caught you that time?—Yes, they caught me; they said I should go with them. They did no harm to me.

3171. Did they say they would do you no harm if you went with them?—They told me to go with them and vote, or else I should be sorry.

3172. And rather than be sorry, you went with them?—Yes.

3173. And that was your reason for voting?—Yes.

Cross-examined by Mr. *Buchanan.*

3174. Who is your landlord?—Mr. Guinness; but the estates have come to one of his daughters.

3175. You did not wish to vote till you saw Mr. Guinness?—Mr. Burke is the agent.

3176. Did you see Mr. Burke?—I did.

3177. Where did you breakfast?—At Martin Higgins's.

3178. Do you know who came in to you?—I could not tell; they came in three times.

3179. And said you had better come down to vote?—Yes.

3180. They did nothing to you?—Nothing.

3181. And you walked down?—I did.

3182. What booth did you poll in?—I do not know.

3183. What barony are you in; Kilmaine?—I do not know.

3184. Is it not Kilmaine you are in?—No, it is not.

3185. Is it not in the barony of Kilmaine you live?—No, it is not.

3186. What barony, then?—I do not know what barony.

3187. Do you live in the neighbourhood of Cong?—I do.

3188. Who went in with you to the polling booth?—Pat Neale; I do not know the rest.

3189. You went up to the table, and voted yourself?—I did.

3190. Who did you vote for?—For Moore and Palmer.

Re-examined by Mr. *O'Malley.*

3191. Was it in consequence of the mob coming for you that you voted for Mr. Moore and Captain Palmer?—Yes.

3192. Left to yourself, you would have voted for Colonel Higgins?—I would, indeed.

Mr. *Francis Sullivan*, called in; sworn, and Examined by Mr. *O'Malley*, as follows:

3193. WHERE do you live?—I live near Harleymount.

3194. You remember the Sunday before the polling at Ballinrobe?—I do.

3195. Palm Sunday?—I do.

3196. The 5th April?—Yes, I remember the day.

3197. Did you attend the chapel at Kilcommon that Sunday?—Yes.

3198. Who was the priest?—The Rev. Michael Joyce.

3199. Is there a part of the service that you call the last Gospel?—Yes, there is; it is the very last part of the service.

3200. Is that reading some part of the Scriptures?—Yes, it is.

3201. Now, do you remember Mr. Joyce, before he read the last Gospel, addressing the people?—I do.

3202. About Colonel Higgins?—I do, in Irish.

3203. You can speak Irish and English both well, I believe?—Middling well.

3204. Tell us, as near as you can, in English, what he said?—I will.

3205. Now, speak slowly?—He said he hoped that those people who put in Mr. Higgins heretofore would be able to put him out now, and that he had betrayed his country; that they would not support him any longer; that they had got enough of him, and to that effect; that was the principal of it.

3206. We would rather have the matter than the effect at present; go on?—He spoke to that effect, and telling the freeholders there to take care of themselves, and if they had the misfortune to vote for him, not to be tempted by any person, or it would be worse for themselves.

3207. Did he say anything about the Almighty?—He did not say a great deal about that; but that they had a duty to God and a duty to their country to perform, and not to vote for Colonel Higgins, who had betrayed themselves and their country before.

3208. Did he say anything about Archbishop M'Hale?—He said that it was the wish of the archbishop.

3209. What was?—For them not to vote for Colonel Higgins.

3210. Did he say anything about being branded as rotten sheep?—He said, "There will be a brand stricken upon you." He did not mention rotten sheep; he did not say rotten sheep.

3211. What did he say?—He said they would be branded, but he did not say rotten sheep.

3212. He did not say rotten sheep?—No.

3213. What did he say about their being branded?—I cannot say anything further than that; I cannot make anything else of it than that, that there would be brands put upon them if they voted for Colonel Higgins, and that they deserved it.

3214. *Committee.*] What did you mean by "brand;" did you mean that an iron was to be used?—I meant that they would be marked.

3215. And by whom?—I cannot say.

3216. Mr. *O'Malley.*] Did he not say anything about who was the person who would brand them?—No, he did not.

3217. Now, try your Irish again?—No, he did not, as far as my recollection goes; I am giving you the meaning of what he said in Irish.

3218. Did he say amongst whom they would be branded?—No.

3219. You say that that was said before the last Gospel?—Yes.

3220. Was that before the service had concluded?—Before the service was concluded; the Gospel is the last part of the service except the De Profundis.

3221. It was before that?—Yes.

3222. Where was he standing at the time?—At the altar.

3223. The place where he performs the mass?—Yes.

3224. You say that he did not say anything about rotten sheep; did you hear anything about scarecrows?—He said he knew that there were some scarecrows among them, but he did not mention their names.

3225. Did he say anything to the people of the family of Jennings?—He said this; that there were gentlemen there who some time ago were very glad to bracken their shins at the tenants' fires, and get an egg or a potato, or anything they could get, and that old Jack Hasham, who was a tenant of theirs, that he did not care for them, that he was independent of them.

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3226. You said something about the tenants?—Yes, Jack Hasham; that he did not care for them, and that he was independent of them.

3227. Did he mention them by name?—Yes.

3228. Is that Jennings the first cousin of the present Lord Clanmorris?—I believe there is a relationship between them; I do not say there is.

3229. Whose tenant was Jack Hasham?—He was Mr. Jennings' tenant.

3230. Mr. Jennings had other tenants freeholders, several, had he not?—He had others.

3231. Did you see Mr. Joyce busy at the time of the election?—I did indeed; I believe I know him well.

3232. Independent of your own personal experience, did you see him canvassing voters, and bringing them up to the poll?—I saw him bringing in voters to Ballinrobe.

3233. You saw him in Ballinrobe?—Yes.

3234. What was he doing there?—He was busy.

3235. Doing what?—Up and down.

3236. I ask you whether he was helping to bring up voters for Mr. Higgins or for Mr. Moore?—I will not answer; I suppose it is very well known who he was taking part with after what I have said already.

3237. Well now, do you remember on the 7th of April?—I do.

3238. Three horses being let out, or something of that kind?—Yes, horses of Mr. Higgins' freeholders.

3239. Do you remember hearing about them?—I do.

3240. Did you go out to look for those horses?—I did.

3241. Well now, when you were within about a mile and half from Ballinrobe, did you meet Mr. Joyce?—I did.

3242. Where was he, on the road?—He was in a car bringing in freeholders.

3243. Did he say anything to you?—He asked "where I was going, lad," or something to that effect; I do not know the words exactly; I said, "I am going about my little business." "Come," says he. I got intimation a little before that about the man with the two horses; he spoke to me, came to me and said, "Catch that fellow, and put him in the boghole," says he. There was a boghole on one side of us.

3244. *Committee.*] Was that Father Joyce?—Yes, Father Joyce.

3245. Mr. *O'Malley.*] Well?—The man ran up, and he says, "Now, do not put him in the boghole; put the gutter down his mouth."

3246. You mean the mud?—The wet gutter, it has that meaning; there was mud.

3247. And did they put it down your mouth?—One man with his stick took it on the top of the stick, and put it down my mouth, and another struck me alongside the head with an ash stick.

3248. This man who held you, where did he hold you?—Between them I was held up, and in the confusion I was in, I could not rightly tell you; but I found my head struck at the time. I did not expect it from Joyce; he and I were on good terms before that.

3249. I believe you called out to Mr. Joyce?—When the man did that, he said, "I will make a beggar of you, and a beggar of your crippled son."

3250. *Committee.*] Did Mr. Joyce say that?—He did say that to me after I got released.

3251. "I will make a beggar of you"?—Yes; "I will make a beggar of you, and a beggar of your crippled son."

3252. Mr. *O'Malley.*] When he said that, what did you do?—I said, "Mr. Joyce, you are spoiling your friends at the election much more than you are serving them;" and he jumped off the car, and made them follow me; and they threw their sticks aside, and literally plastered me from head to foot with mud with their sticks. I said, "Mr. Joyce, you are injuring your friends at the election more than you are serving them;" and he jumped out of the car a second time, and called those men, and made them plaster me from top to bottom; he made them throw their sticks on one side, and plaster me, so that the public would see and know what I was doing, and what I was.

3253. *Committee.*] You are an elector?—No, I am not; I was engaged at the election.

3254. Mr. *O'Malley.*] You were going to collect the horses; to try and collect the horses belonging to the voters?—Yes.

3255. The

3255. The horses that had strayed away?—Yes.

3256. You were in the interest of Colonel Higgins?—Yes, I was.

3257. Did Mr. Joyce say anything to you about being in the interest of Colonel Higgins?—No, not then; not a word about that then.

3258. When did he?—Oh! long before the election he was speaking to me about it.

3259. Now, do you not remember when they plastered you what he said about Colonel Higgins then?—Really I forget.

3260. Now, try and recollect; I should be very glad if you would recollect those words; do you recollect the word "villain"?—Yes; he told those men to plaster me.

3261. Tell us what he said?—He told the men that I was assisting that villain Higgins; that is what he said.

3262. *Committee.*] Are you a Roman-catholic?—I am.

Cross examined by Mr. *Buchanan.*

3263. You live at Harleymount, you say?—I do.

3264. How do you get your bread?—I have my bread by my pen, mostly.

3265. What are you?—I am a job clerk. I have a business with the high constable of the barony, and I am a job clerk.

3266. You attend quarter sessions and petty sessions?—Not petty sessions, but I do quarter sessions.

3267. You say that you heard this address in Irish of Mr. Joyce?—Yes.

3268. You tell us of something very wonderful after the Gospel?—No; before it.

3269. Was there anything at all wonderful in the priest addressing the people so?—No.

3270. Is it not always the practice when the priest addresses the people upon any subject it is after the communion, and before the Gospel?—Many of them.

3271. Are not the Catholic clergy constantly in the habit of addressing their flocks, and pointing out to them what they conceive to be a proper course for them to pursue?—Yes.

3272. *Committee.*] Upon purely religious matters or politics, or anything that comes into their head?—Both. At the time that anything comes into their head.

3273. They are accustomed to do that?—Yes.

3274. Mr. *Buchanan.*] Do they not frequently address the flock on other matters than religious matters?—They do.

3275. And from the steps of the altar?—And from the steps of the altar.

3276. You came out of Ballinrobe this morning to look after the horses?—I did.

3277. At what time of the day was it?—Between 9 and 10; about 10; I cannot exactly say; it was not after.

3278. Had you taken anything stronger than tea that morning?—I did not indeed take anything that morning.

3279. You are quite certain?—I am.

3280. You never do?—I do.

3281. You have not taken the pledge?—No.

3282. Mr. Joyce was going in, you say, on a car?—He was.

3283. You are not a voter yourself?—No.

3284. I suppose he was going on one of the cars that run between Harleymount and Ballinrobe?—Yes.

3285. He had freeholders with him?—Yes.

3286. Is that anything very wonderful?—No.

3287. You say that it was well known whom he supported; what do you mean by that?—Because I mentioned to you when he spoke so much against Colonel Higgins; when he spoke so much against him I supposed he was on the other side; that was my meaning.

3288. *Committee.*] That was your inference?—That was my inference, and what every person inferred too.

3289. Mr. *Buchanan.*] Do you not believe that he supported Mr. Palmer more warmly than he did Mr. Moore?—I do not; I believe he supported Mr. Moore and Captain Palmer together; in conjunction.

Mr. *F. Sullivan.*

29 June 1857.

3290. Did you make any application to anybody to employ you at that election?—I did.

3291. Who did you apply to?—Mr. Griffin.

3292. Anybody else?—I did.

3293. To any of Mr. Palmer's people?—No.

3294. To any of Mr. Moore's people?—I did not at this election.

3295. Who else did you apply to?—To the sub-sheriff, Mr. Routledge; and he recommended me to Mr. Griffin.

3296. The high sheriff is Colonel Higgins' father?—He is, I understand.

3297. Mr. Routledge is his sub-sheriff?—Yes.

3298. Then they did not put you into the bog-hole?—No, they did not; I will say that much.

3299. Did you go back to Ballinrobe that day?—Yes, I did, after I had got up the horses.

3300. Nobody molested you?—No; I went after that and washed my coat, and washed myself as well as I could. Before I went to look for the horses, I had to go and wash my coat, and my hat and myself in a bog-hole. I was so plastered with mud, that I could not go into the town.

3301. Now, did not Mr. Joyce speak very good-humouredly to you when he met you at first?—No, indeed he did not.

3302. I suppose you are not a favourite of his?—So much so, that he prevailed on me three weeks before this election to go and get employment at this election, telling me, "Never mind whether it is Mr. Moore, or Mr. Palmer, or any one else." He told that I should not be idle, but might get employment by some one. He said to me, "You are a poor man; get employment; no matter whether it is Moore, or Palmer, or Higgins."

3303. *Committee.*] That was three weeks before?—A fortnight before.

3304. Mr. *Buchanan.*] Was he not aware during that whole fortnight that you were employed for Colonel Higgins?—During that fortnight he did not say a word against Mr. Higgins.

3305. Do you not reside quite close to his house?—Yes, very next door.

3306. Do you mean to tell the Committee that he did not know that you were employed by Colonel Higgins?—He lives next door.

3307. Did he say one unkind word to you?—He committed a very unkind act to me when he collared me on the road.

3308. From the time he knew that you were employed till when he met you on the road that day, did he say one unkind word to you?—No.

3309. *Chairman.*] When do you suppose it was that Mr. Joyce first understood you to be employed by Colonel Higgins?—I believe he did a week before the election.

3310. Mr. *Buchanan.*] And during that entire week, you living next door to him, did you not often meet him?—No, I did not; I was most writing at Mr. Routledge's, the high constable.

3311. Where were you?—I was at home, and I was also writing at Mr. Routledge's.

3312. Will you swear that you did not speak to him?—I will not swear that I did not see him, but I will swear that I had no conversation with him.

3313. *Committee.*] Did you consider it a mark of friendship on the part of Mr. Joyce to put you in a bog-hole?—Indeed I did not; I considered it quite the reverse.

Re-examined by Mr. *O'Malley.*

3314. You saw the priest's car; was that hired for the occasion?—No, they are hired cars.

3315. They are there for any one that likes?—Yes.

3316. That is different from the cars that go regularly backward and forward with passengers?—Yes.

3317. Do you believe that Mr. Joyce supported Captain Palmer for the sake of Mr. Moore, or Mr. Moore for the sake of Captain Palmer?—I will not say which; I cannot say which; I will not form an idea of it; I could not say it on my oath.

[Adjourned till To-morrow, at Eleven o'clock.

Martis, 30° *die Junii*, 1857.

The Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., in the Chair.

William Bellchambers was called in; and having been sworn, was Examined by Mr. *Hale*, as follows:

W. Bellchambers.

30 June 1857.

3318. ARE you in the employment of Colonel Higgins?—I am.

3319. What are you; his groom, or what?—His groom and valet.

3320. Do you remember the last election for the county of Mayo?—I do.

3321. I believe Colonel Higgins lives at Glencorrib?—Not at present; at Mount Pleasant at present.

3322. By the *Committee.*] Is that in the same county?—In the same county.

3323. Mr. *Hale.*] Do you recollect Sunday, the 5th of April?—I do.

3324. On that day were you at Glencorrib at all?—We passed by it.

3325. Where were you going to?—We were going to Cong.

3326. How were you travelling?—In a mail phaeton.

3327. With a coachman or postillion?—With a postillion.

3328. What part of the mail phaeton were you seated in?—I was sitting behind.

3329. After you went through Cong you would be on the road to Ballinrobe?—We returned a little way on the road that we went; we returned on to take the left-hand road to Cong; by the right-hand road we came into Cong, and we took the left-hand road to Ballinrobe.

3330. By the *Committee.*] Are you Irish or English?—English.

3331. Mr. *Hale.*] On your way from Cong to Ballinrobe did you meet anybody?—Yes.

3332. At what time was it?—In the evening.

3333. At what time in the evening?—From half-past eight to nine o'clock.

3334. Whom did you meet?—We met a large mob.

3335. Was anybody with them?—There was.

3336. Who was that?—The Rev. Peter Conway was one.

3337. By the *Committee.*] How did you know it was the Rev. Peter Conway?—I have known him the last seven years.

3338. Mr. *Hale.*] How long have you lived in Ireland?—I have been going backwards and forwards with Colonel Higgins for nine years.

3339. By the *Committee.*] You say that Mr. Conway was with the mob; do you mean that he was a sort of leader of the mob?—He was in the centre of them when we came up to them.

3340. Surrounded by the mob?—Surrounded.

3341. Was he on foot or on horseback?—On horseback.

3342. Mr. *Hale.*] You say Father Conway was on horseback?—He was.

3343. Did you see any cars?—There were two.

3344. Were they empty, or was there anybody in them?—They were full.

3345. Do you know who were in them?—I did not know any one particularly, with the exception of Mr. Conway.

3346. When you met this mob tell the Committee what occurred?—When we first came we just passed the first car; the other car was a little in the way, and Mr. Conway rode up to the carriage and he asked who was this; "Who have we here?" "Boys," he says, "this is Colonel Higgins." And then Colonel Higgins gave the postillion orders to drive on; and at these words Mr. Conway says, "At him, boys." But the postillion then set to whipping the horses, and he galloped away as fast as he could; and the stones and sticks then flew in a shower.

W. Bellchambers.

30 June 1857.

3347. By the *Committee.*] You say you have known Mr. Conway for seven years?—Yes.

3348. Did Father Conway not know Colonel Higgins by sight?—He was a little behind when he first came up.

3349. He could not see who was in the carriage?—Not until he rode up to the carriage.

3350. Mr. *Hale.*] After the shower of sticks and stones, you made your escape?—We did.

3351. You then arrived at Ballinrobe?—We did; I may mention that I picked up three stones in the phaeton.

3352. Large stones?—Yes, and there were 13 or 14 marks of stones on the phaeton.

3353. You picked up three stones, I understood you to say, in the phaeton, and there are 13 or 14 indentations on the phaeton?—Yes; two at Colonel Higgins' feet, and one in the part where I was sitting.

3354. When you got into Ballinrobe, in what state did you find the town?—There was a very large concourse of people there at the time we entered the town; they were in the greatest uproar.

3355. Did you stay with Colonel Higgins all the time he was in Ballinrobe?—I did.

3356. At whose house did he stay?—Mr. Robert Tighe's.

3357. Did you see any police or military near?—I did.

3358. Was it guarded?—It was.

3359. All the time?—All the time.

3360. Did you observe the state of the town during the polling?—I did.

3361. What was the state?—It was in a constant state of excitement.

Cross-examined by Mr. *Karslake.*

3362. Have you been ever present at an election before?—I have.

3363. In Mayo?—I have.

3364. Probably at Ballinrobe?—I have been through Ballinrobe.

3365. Were you ever at an election at Ballinrobe before?—I was at the last.

3366. At the 1852 election?—Yes.

3367. You say there was excitement; does that answer apply to the Wednesday as well as to the other two days?—Yes; it was not quite so bad on the Wednesday.

3368. Still the people were excited on the Wednesday?—Well, they were not; it was quiet on the Wednesday on account of the placard issued by Mr. Conway.

3369. I asked you whether it was quiet on the Wednesday or not?—It was quiet on the Wednesday.

3370. Then you qualify your former answer?—I will say it was quiet on the Wednesday.

3371. Was it quiet on the Tuesday afternoon?—It was not.

3372. How long did you remain there?—I remained there until the Wednesday evening.

3373. Did Colonel Higgins address the electors on Wednesday evening?—No.

3374. He did not?—He did not.

3375. He went home on that evening?—He did.

3376. In the mail phaeton?—In the mail phaeton.

3377. How long had Colonel Higgins been in Ireland before the election?—I should think about three weeks.

3378. I suppose occupied in canvassing?—Yes.

3379. How far is this place, Glencorrib, from Ballinrobe?—Six miles.

3380. Was Colonel Higgins in Ballinrobe frequently during the canvass?—No: he was not.

3381. He did not canvass personally there?—No.

3382. That is, not to your knowledge; you were not there with him?—I was not there with him.

3383. Were you at Castlebar with Colonel Higgins, at the nomination?—I was.

3384. That was on the Friday?—That was on the Friday.

3385. Before the Monday, the first polling-day?—Yes.

3386. Just turn your attention to Sunday the 5th of April: you did not go through Ballinrobe in your way to Cong?—No. *W. Bellchambers.*

3387. Had Colonel Higgins been canvassing at Corig on that day?—He went to see some friends at Cong on that day. 30 June 1857.

3388. Some voters I suppose?—Yes.

3389. Then when you came towards Ballinrobe, in the evening, you met Mr. Conway and those people going towards Cong?—Towards Cong.

3390. At what time do you say that was?—I think about half-past eight.

3391. It was dark then, was not it?—It was not very dark; it was just getting dusk at that time; it was somewhere about eight or half-past eight; I do not know exactly the hour, but from the light I should say it was about half-past eight.

3392. At all events, from the light, you would say it was past eight o'clock?—It was.

3393. Where and how often had you seen Mr. Conway before?—I cannot give you the times.

3394. Very frequently?—Very frequently.

3395. You say he was on horseback?—He was.

3396. Whereabout; was there anybody with him?—There was a very large crowd with him.

3397. How many cars were there with him?—Two.

3398. Are you sure about the time you are speaking of?—Yes, about half-past eight; from eight to half-past.

3399. Do you undertake to say that the words you have mentioned were the words used?—I do.

3400. That is all you heard?—That is all I heard; we drove away, glad to get the chance.

3401. By the *Committee.*] Were the words said in English?—It was in English.

3402. What distance is it from Cong to Ballinrobe?—I believe it is five miles.

3403. Can you tell us in what part of the road it was you met him; how far from Ballinrobe?—I should think about four miles and a half from Ballinrobe; about half a mile or three quarters of a mile out from Cong.

3404. You went in, you say, after that, to Ballinrobe, that evening?—We did.

3405. Was Colonel Higgins constantly about during the election?—He was backwards and forwards to the Court-house.

3406. And continued to be so until the Wednesday, when the poll was closed?—Yes; he went about twice; I think if he went twice in the day, it was the most.

3407. Twice in the day?—Yes.

3408. He stayed there some time when he went there?—Yes.

3409. Did he dine at Mr. Tighe's house?—He did.

3410. Every day?—Every day.

3411. And friends with him?—And friends with him.

Re-examined by Mr. *Hale.*

3412. You mean, when you say that Cong is six miles from Ballinrobe, that it is six Irish miles?—Yes.

3413. At those times when he went backwards and forwards to the Court-house, had he an escort with him?—Yes.

3414. Every time?—Every time.

3415. By the *Committee.*] You mean since the nomination?—Since we arrived in Ballinrobe on the Sunday evening, every time he went out he had an escort.

3416. Mr. *Hale.*] During the days of the polling?—During the days of the polling.

[The Witness withdrew.

Bernard M'Manus, Esq., was called in; and, having been sworn, was Examined by Mr. *O'Malley*, as follows:

3417. YOU are a Magistrate of the County Mayo?—I am. *B. M'Manus, Esq.*

3418. Where do you reside?—At Barley Hill.

3419. What neighbourhood is that in?—In the neighbourhood of Swinford.

 3420. I believe

3420. I believe you are a Roman-catholic?—Yes.

3421. You were a supporter of Colonel Higgins?—Yes.

3422. By the *Committee.*] Swinford is in the Barony of Claremorris?—No, in the Barony of Gallen.

3423. Mr. *O'Malley.*] Is there a place called Bohola, at which you were in the habit of attending?—Yes; it is a village.

3424. Who is the parish priest at Bohola?—The Rev. Mr. M'Nicholas.

3425. Is there a priest of the name of the Rev. James Halligan?—Yes.

3426. Were you at the chapel of Bohola on the Sunday before Palm-Sunday—I was.

3427. That is the Sunday before the 5th of April?—Yes.

3428. Was the Rev. James Halligan there?—He was.

3429. And also Mr. M'Nicholas, the parish priest?—He was.

3430. Did Mr. Halligan say anything in the the course of the mass with reference to Colonel Higgins?—He did after mass.

3431. Before leaving the chapel?—Yes.

3432. Just say what it was?—He said that the bishops, the Roman-catholic bishops, had come to a resolution that he should be opposed at the ensuing election.

3433. By the *Committee.*] You mean Colonel Higgins?—Yes.

3434. What was Mr. Halligan?—He was the curate of the parish.

3435. Mr. *O'Malley.*] Was this said in Irish or English?—In English.

3436. Well?—That his previous conduct did not entitle him to the confidence of the people, that he had betrayed the trust given to him, and that they had determined to support Mr. Palmer in preference, though he was a conservative.

3437. Was anything said about any other candidate?—Oh, that every good Catholic ought to support Mr. Moore.

3438. Who did he say had come to the determination to support Captain Palmer?—The bishops, and also the priests; a great majority of the priests of the county.

3439. By the *Committee.*] You say the bishops; was anything said about the archbishop?—Yes; I think he said the archbishop and the other bishops of the diocese.

3440. Are you quite sure of that; have you a distinct recollection of the archbishop's name?—No; I have a strong impression upon my mind; I will not swear that he actually used the word, but the strong impression upon my mind is that he did do so.

3441. Mr. *O'Malley.*] Was anything said about a meeting at Castlebar?—That there was a meeting of clergymen.

3442. Mr. *Karslake.*] Who said that?—Mr. Halligan; this is all by Mr. Halligan; that there was a meeting of Catholic priests, and they had come to the resolution of ousting Colonel Higgins, if possible.

3443. Mr. *O'Malley.*] You have not told, I believe, the whole of what was said?—Oh no, nor anything like it; he was speaking, I suppose, for a quarter of an hour.

3444. And not much in praise of Colonel Higgins all the time?—Quite the contrary.

3445. This raised your bile a little, I believe?—Very much so.

3446. What did you do?—I felt called on——

3447. Mr. *Karslake.*] What did you do?—I stood up to reply.

3448. Mr. *O'Malley.*] Well?—With very great reluctance indeed in such a sacred place.

3449. What occurred when you stood up?—I spoke for a few minutes, contradicting many of the statements that Mr. Halligan made.

3450. Well?—And the moment I stood up he called out to the parish priest, and aloud to the congregation, not to hear me.

3451. I believe you have a great deal of influence amongst the people?—I have some local influence; some small influence.

3452. You were safer in a congregation of that kind; I mean than a stranger would have been?—Oh, decidedly; I should have been very sorry to have done the same in any other place; that is, in any other chapel.

3453. Just tell us all that occurred, will you, as nearly as you can?—He called out then not to allow me to speak. I appealed then to the parish priest, that as

he had introduced such a subject in such a sacred place, I could not be blamed for replying to it, and I did reply.

3454. Just tell me; was there any allusion addressed to the non-electors?—There was.

3455. Just tell us, as distinctly as you can, what it was?—After calling upon the voters, those who had votes, to vote for Moore and Palmer, he said, "Those who have not votes can be of great use too."

3456. Is that all?—That concluded his discourse; he concluded with that.

3457. Did he say how they might be of use?—No; but it was quite evident.

Mr. *Karslake.*] That is an answer "No," if you give that answer.

3458. Mr. *O'Malley.*] Have you told us in substance what occurred?—Yes.

3459. Mass immediately ended I suppose, and you went away?—I went away immediately after that; after the discourse.

3460. Was the mob in the neighbourhood of Swinford, and the whole of that neighbourhood, excited?—I perceived a marked difference in the feeling of the people after that Sunday.

3461. You had been, I suppose, canvassing before?—I had, for some time before.

3462. Will you tell us as near as you can; it is difficult to get at these things by a mere statement; what was the difference you saw?

Mr. *Karslake* objected to the question; this witness could not state what the feelings of the people were; he must confine his evidence to the facts within his own knowledge.

The *Chairman* stated that the "marked difference," as it appeared to the witness, might be given.

3463. Mr. *O'Malley.*] You say you observed a marked change in the appearance of the people?—Yes.

3464. In what respect?—In their demeanor, that was what I intended to convey.

3465. I do not understand "demeanor" exactly; what does it mean?—When I asked them to vote for Colonel Higgins there was more difficulty upon their part; they appealed to their priests; to the instructions their priests gave them to support Mr. Moore and Captain Palmer.

3466. That was a week before the election. As the election drew near, did you find more difficulty in canvassing?—Oh, yes.

3467. What did that arise from?—I could only attribute it to that cause.

3468. Were there any people about, or anything of that kind?—I do not recollect any particular case; but that was the general feeling.

3469. In getting up voters to the poll at Swinford, had you to resort to any extraordinary means?—I had to bring out escorts.

3470. In your judgment, were those escorts necessary?—Decidedly.

3471. What were they necessary for; why were they necessary?—To protect the freeholders.

3472. From what?—From the violence of the mob.

3473. Then I conclude there was a mob there during the election?—There was.

3474. Was that in the town of Swinford?—In the town and in other parts.

3475. By the *Committee.*] Was Swinford one of the polling places?—It was.

3476. What sized town is it?—I should say scarcely a thousand people; not so many; I cannot exactly say.

3477. Were you acting merely as a magistrate there, or had you received what we have heard called a deputation?—I had a deputation from the sheriff.

3478. Were you armed?—No; I had no arms of my own available, and I did not wish to apply to any one for them.

3479. Were the soldiers cavalry or infantry?—Infantry on one occasion, and cavalry on another occasion, and police on a further occasion.

3480. Do you recollect the regiments?—I think the cavalry were the 4th Dragoons, and the infantry the 38th. I think so.

3481. Mr. *O'Malley.*] You say that it was necessary to have escorts to protect them

B. M'Manus, Esq.

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them from the violence of the mob; did you see any priests engaged upon the occasion?—I did on one occasion in Swinford.

3482. When?—The day that Mr. Moore came to canvas the town.

3483. I will take that presently; but during the election did you see any priests engaged?—Several times; several clergymen.

3484. What were they doing?—They appeared to be most actively engaged for Mr. Moore and Captain Palmer.

3485. Bringing up freeholders?—Bringing up freeholders.

3486. By the *Committee.*] Was that in Swinford?—In Swinford.

3487. Mr. *O'Malley.*] Did it appear to you that they were engaged there, or their agents bringing up freeholders; do you know what tally clerk means?—An out agent, I believe; that is my idea.

3488. Is it the business of a tally clerk to bring up voters?—I should say so, decidedly.

3489. You tell us you saw the priests engaged actively in bringing up voters to the poll?—Yes.

3490. In bringing up voters to the poll for Colonel Higgins, had you the misfortune to lose some of them?—We lost one, one day; on one occasion there was one taken off, even though we had a large escort of soldiers.

3491. What was his name?—Michael Durcan.

3492. Was he with you?—He was.

3493. You say he was with you; on a car, I suppose?—He was with us in the escort of the cars.

3494. Just tell us what happened?—I will.

3495. By the *Committee.*] This was going to the poll?—Yes.

3496. Mr. *O'Malley*] What happened?—Coming down from Swinford we went to his house, having his father at Swinford previously; he came in to poll for Colonel Higgins; we went for his son, whom we expected, and had every reason to expect, would vote for Colonel Higgins. He came with us perfectly voluntarily, without any difficulty whatever; he came up on the cars, and accompanied us further on, where we were going for other freeholders to Bahola, on our return through a village called Ballymiles.

3497. Is that on Mr. Moore's estate?—Yes; we found a large number of tenants and other people; tenants of Mr. Moore's, and other people collected upon our return.

3498. Do you know a man of the name of M'Donnell?—He was there, and apparently leading them on; at the head of them.

3499. What is he?—I believe an under bailiff of Mr. Moore's.

3500. Do you know his christian name?—Mark M'Donnell, I believe.

3501. You say leading them on; was this mob armed in any way?—Some had sticks, but, generally speaking, they were not armed.

3502. When you say sticks, I do not know that the Committee here could quite understand what you mean by sticks; walking-sticks or canes?—Why, an Irish shillelah I allude to.

3503. I thought the Committee did not quite understand the gentle appellative of "stick;" what did they do?—We were going on pretty fast. Lieutenant Aire and myself were on the foremost car, when one of our out-agents called out that they had taken a freeholder off one of the cars.

3504. Well?—We immediately halted and ordered the cars to stop, and got down the infantry.

3505. By the *Committee.*] Where were the military at this time?—They were on the cars with us.

3506. On the cars?—On the cars.

3507. How could the mob take away one of the men, when the military were alongside of them?—We had them scattered here and there through different cars.

3508. Then, you had not soldiers on every car?—I cannot say.

3509. Was the man willing to go?—To go from us or with us?

3510. From you?—I should say certainly not, for he came with us in the most willing manner.

3511. You did not yourself see the man carried off?—No; but others did.

3512. Mr. *O'Malley.*] Did you see that he was gone?—I did, for I went into the house after him.

3513. Oh, he was taken into a house?—He was taken into a house.

3514. Did

3514. Did you see him in the house?—I did.

3515. Were there any priests with the mob?—No, not that I saw; I do not think there were any, for I should have seen them.

3516. Did you see Mr. Moore when he came to canvass Swinford?—I did.

3517. How was he attended?—A very considerable mob accompanied him.

3518. Did the mob go round with him in his canvass?—Yes.

3519. Were there any priests in the mob?—There were.

3520. Many or few?—Six or eight, I should think.

3521. By the *Committee.*] Were they at the head of them?—They were.

3522. What you would call or judge to be leaders?—Yes.

3523. Were they addressing the mob in any way?—After they came into the town, they went to Mr. Moore's and Captain Palmer's committee-room, and addressed the mob from the windows.

3524. The priests did?—Yes.

3525. How many?—I saw, myself, only one.

3526. Mr. *O'Malley.*] Only one addressing the mob?—Yes.

3527. You say there were seven or eight priests?—Six or eight; I am not quite sure.

3528. Did you hear what was said?—No; I did not go near enough.

3529. You did not hear Mr. Moore's harangue to them?—No; not sufficiently to describe it.

3530. By the *Committee.*] Was the address from a private window, or from Mr. Moore's committee-room?—From the window of their committee-room.

3531. That is what takes place at every election; were these people non-electors, any of them?—I should say an immense majority were not electors.

3532. Pray, during any time had you to read the Riot Act?—I had not; but I had a copy of it.

3533. But you were not obliged to use it?—No, I was not; another magistrate did, though.

3534. At Swinford?—Yes.

3535. Mr. *Karslake.*] Were you present?—No; that is, I was present, but I did not hear him read it; he told me he had to read it.

3536. Mr. *O'Malley.*] Do you know a voter of the name of O'Donnell?—Yes.

3537. In whose interest was he?—In Colonel Higgins's.

3538. Do you know that from himself?—I do.

3539. By the *Committee.*] Do you know what his christian name is?—I think Charles O'Donnell; I am not sure as to his christian name; I know his surname is O'Donnell.

3540. Mr. *O'Malley.*] You say you knew from himself that he was a supporter of Colonel Higgins, or how did you know that?—From himself; he told me.

3541. Did he tell you he was going to poll, or what?—I was present when he came up to vote for Colonel Higgins.

3542. When he came up to vote?—Yes; in the booth.

3543. Did he vote?—He did.

3544. Was Swinford his district?—His nearer district he said was another barony, where he had a vote.

3545. He did vote, at all events, at Swinford?—Yes, he did.

3546. By the *Committee.*] You say his nearer district was another polling-place?—Yes.

3547. He told you so himself?—Yes.

3548. Mr. *Karslake.*] He is not on the list of voters?—He is on the list; and a man of very large means, and very well entitled to vote.

3549. By the *Committee.*] When you were at Bohola chapel, did you hear anything said to the effect that Colonel Higgins was to be opposed in any illegal manner?—No further than an intimation to the non-electors to be forthcoming, which struck me to bear a very strong meaning.

3550. You mentioned what Mr. Halligan said at the chapel about Roman-catholic bishops; had you at any time seen a placard which was stuck up at Ballinrobe, was it also stuck up at Swinford?—I think it was; I am not quite sure, but I think I saw that placard.

3551. You are not certain whether Mr. Halligan mentioned the name of the archbishop as well as the bishop?—No; but the strong impression upon my mind is that he did.

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3552. And also that the great body of the priests were for Mr. Moore?—Yes.

3553. Mr. *O'Malley.*] I believe you can tell us, you are acquainted with the districts of the county, were the great body of Roman-catholic gentry in favour of Colonel Higgins?—Decidedly so.

3554. By the *Committee.*] For whom do you say O'Donnell voted?—He voted for Colonel Higgins.

Cross-examined by Mr. *Karslake.*

3555. How long have you been a magistrate in Mayo?—About 10 years.

3556. How far do you live from this place, Bohola?—Quite close, it is at the gate.

3557. What is this, a village, Bohola?—A village.

3558. Were you a member of the committee that was formed for "ensuring the return of Colonel Ousley Higgins at the ensuing election for the county of Mayo"?—Yes.

3559. You are the gentleman there mentioned, Bernard M'Manus, of Barley Hill?—I believe so.

3560. At all events, your name is Bernard M'Manus, of Barley Hill?—Yes, I believe I am the only one in the county; at least I never heard of any other.

3561. Did you from the time you became one of the committee-men, take an active part in ensuring the return of Colonel Higgins?—I did; I took an active part.

3562. You canvassed the electors pretty freely, did you not?—I have said so already.

3563. Did you continue to do so, down to the time of the election?—Not to immediately before the election.

3564. Very shortly before, was not it?—A short time before.

3565. Did you address the electors at all in Swinford?—No.

3566. What do you mean by that?—I did not; I addressed them in the chapel at Bohola.

3567. You canvassed them, but you did not publicly address them?—No, I do not remember having done so at all.

3568. Your interest was entirely used for Colonel Higgins?—Yes.

3569. Was Captain Brabazon a member of the committee with you?—I think he was.

3570. He is a cousin, I believe, of Colonel Higgins?—Yes.

3571. Will you tell me any other member of the committee who lived in the neighbourhood of Swinford, who canvassed on behalf of Colonel Higgins?—Mr. O'Malley was one, my brother magistrate, and Mr. Corley of Swinford.

3572. Is that George O'Malley?—Yes, and other members of the committee.

3573. Mr. William Malley, do you know him?—I do.

3574. I want to ask the names of the different persons who were canvassers in your neighbourhood of Swinford, on the part of Colonel Higgins?—Do you mean that actually canvassed the voters?

3575. Canvassed them, or addressed them, or used their influence upon the part of Colonel Higgins?—Several; Mr. Jerdon, and that gentleman, Mr. William Malley, that you allude to, and Mr. George O'Malley, the magistrate.

3576. And Mr. Edward M'Donnell, of Caer-house?—I do not know that he took an active part in the matter at all.

3577. Was he a member of the committee with you?—I think he was; I am not sure.

3578. Do not you know that he canvassed upon the part of Colonel Higgins?—I do not know personally that he did; I heard that he did, but I never met him doing so; I do not think he took an active part in the matter, so far as I saw.

3579. You say that you continued to canvass just until the time of the election?—Yes; as long as I considered it necessary.

3580. When did you receive a deputation from the sheriff?—Before the election.

3581. How long before?—Some days; I know it was before the election began.

3582. Was

3582. Was Mr. Edward M'Donnell, of Caer, also deputy sheriff?—I heard that he was.

3583. Did you see him act as deputy sheriff?—No.

3584. What?—No.

3585. You say you did not see him act as deputy sheriff?—No, he did not act in that barony at all; I did not go out of my own barony.

3586. Were you at Ballinrobe at all?—No.

3587. When were any of the military first had to Swinford, first brought to Swinford?—I think the Saturday before the election, I am not quite sure; I think it was about the Saturday before the election.

3588. How many troops were there there?—There was a company of infantry and a troop of cavalry.

3589. By the *Committee.*] Is Swinford a military station, or were the troops marched there for the occasion of the election?—Marched there, I believe, on requisition, to protect the freeholders of Colonel Higgins, and all others that were considered necessary.

3590. But it is not a military station?—No.

3591. Mr. *Karslake.*] Then they were marched in, you say, on Saturday?—I think so; I know they were there before the election began.

3592. Under whose command were the troops that came to Swinford?—Major Gloster was in command, I think.

3593. What other officers were there with the troops?—Indeed I do not know the name of the captain of the cavalry; the officer that was out on the cavalry escort with me was a Mr. Finucan; I do not know the name of the commanding officer of the cavalry.

3594. You say that on the Sunday before Palm Sunday you attended at the chapel?—Yes.

3595. Was that your regular place of worship?—It is the parish chapel.

3596. Have you ever before heard in a chapel comments upon topics other than religious topics used by a priest after mass?—Except in connexion with the regulation of his parish, I am not aware.

3597. Then you have heard them with reference to the regulation of his parish; is that so?—I am just trying to recollect whether I heard any political discourse, if you allude to that.

3598. I ask upon subjects not with reference to religion; that is the question which I put to you?—I have.

3599. By the *Committee.*] Have you ever heard purely political discourse from a priest in a chapel?—No, not that I am aware of. I mean so far as other than religious matters go; I have the giving out of stations and that sort of thing.

3600. What is the meaning of giving out stations?—It is giving out the places where the priest will attend during the week.

3601. Mr. *Karslake.*] Do you mean to say that you have never heard other topics besides those mentioned spoken to by the priests after mass in a chapel?—I have, I suppose, but I do not recollect any in particular.

3602. Do not you know that it is the custom of the priest, when he has the congregation together, to address them on topics of general interest?—In my parish indeed it is not.

3603. Do you know, in any other parishes, of its being done?—Not to my own knowledge; I have not been present at any other in which it has been done.

3604. By the *Committee.*] How long have you resided at Bohola?—My family have been living there a long time; I have been there, off and on, a great deal.

3605. Were you there during the election of 1852?—I was.

3606. Did you hear from the altar, or from the same chapel, any discourse from the priest purely relating to the election that was to take place at that time?—I do not recollect, indeed.

3607. Mr. *Karslake.*] Perhaps you were not there?—I was there at the time of the election.

3608. By the *Committee.*] Is it usual for the priest to address his congregation on subjects purely of a political kind, like an election, in your parish?—It is very unusual in that parish.

3609. Mr. *Karslake.*] You say it is very unusual; then I understand you it has been done sometimes?—I do not recollect its having been done.

3610. Do you recollect hearing a speech of that sort when Mr. Moore himself

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was present in the chapel, a year ago, in Bohola Chapel?—No, I never recollect Mr. Moore being present there when I was there, and I think I should have if he had been.

3611. Are there comments made by the priests upon the subject of poor-laws, the election of poor-law guardians?—No.

3612. Never?—No.

3613. Neither there nor elsewhere?—No, I have not heard them.

3614. Mr. Halligan, you say, spoke from the steps of the altar after the service was over?—Yes.

3615. And he spoke strongly in favour of Mr. Palmer, did he not?—No, chiefly in favour of Mr. Moore.

3616. Did he speak strongly in favour of Mr. Palmer?—No.

3617. He did not?—No.

3618. Did he say then, as represented by you, that Colonel Higgins had betrayed the trust given to him, and that he would support Captain Palmer in preference?—That was what he conveyed.

3619. I want what he said?—That was what he said upon the occasion.

3620. You do not call that speaking strongly in favour of Captain Palmer?—I think as far as I recollect the only allusion to Captain Palmer was that they selected him in preference to Colonel Higgins.

3621. Did he further say, as you represented just now, that every good Catholic intended to support Captain Palmer?—Every good Catholic should support Mr. Moore and Captain Palmer.

3622. Did he say, as represented by you just now, that every good Catholic should support Mr. Moore and Captain Palmer?—Yes.

Mr. *O'Malley* requested that the statement of the witness in the examination in chief should be referred to.

The portion of evidence in question was read.

3623. Mr. *Karslake.*] It was after he had made this address that you proposed to address the people?—Yes.

3624. Had you ever done such a thing before as that in a chapel?—Never.

3625. Did Mr. Halligan say that you were welcome to address the people outside, but that you should not do it in the chapel?—When I first got up to address my reply, he called out, "Do not hear him," addressing himself to the priest and the congregation.

3626. Did he say it to you loud enough for everybody to hear that you might address the people outside, but that you should not do it in the chapel?—What he said was, "If he wants to say anything, let him say it outside."

3627. Notwithstanding that, you insisted upon having your say?—Yes.

3628. Did you speak pretty strongly in favour of Colonel Higgins and against Mr. Moore?—I spoke almost entirely in favour of Colonel Higgins.

3629. Do you mean to say that you did not speak against Mr. Moore, and against Captain Palmer?—I spoke against Captain Palmer, but I do not remember having spoken against Mr. Moore.

3630. Did you speak strongly against Captain Palmer?—I said that he was a Conservative, and that we should support the man who had served us so well heretofore.

3631. Did you say he was an Orangeman?—I do not recollect that I did.

3632. Will you undertake to say that you did not?—Not then; I do not believe I did; I do not think so; I think I said he was an Orangeman outside when I addressed the people again outside.

3633. You say you did say so outside, but you do not recollect saying so inside?—I think I did; I do not recollect myself having said so, but I think I did.

3634. Did you not, both outside and inside, speak against Mr. Moore?—I really do not recollect that I did.

3635. Do you recollect what you did say?—The portion I recollect I will state; I certainly did speak against Mr. Palmer being selected in preference to Colonel Higgins.

3636. But did you say anything about Mr. Moore; did you say anything about him?—I do not recollect, but I might have said it.

3637. Will

3637. Will you undertake to say that you did not speak vehemently against Mr. Moore upon that occasion?—I may have spoken against him, but certainly my intention was ——

3638. I do not ask your intention, I ask you, did you speak against Mr. Moore?—I do not recollect that I did; I may have done so.

3639. How long were you addressing the people outside the chapel?—A very short time outside, merely in passing upon my way home.

3640. When you say a short time, was it five minutes, or a quarter of an hour, or what?—Not two minutes.

3641. But to the same effect, to vote for Colonel Higgins, and not to vote for Mr. Moore and Captain Palmer?—To the effect of contradicting the statements made againt Colonel Higgins by Mr. Halligan, not wishing that they should have misrepresentations.

3642. By the *Committee.*] Mr. Halligan was the curate?—He was.

3643. You say that he addressed the priest and the congregation; as the priest was present, did he remonstrate, or find any fault with the curate for having made a political address in the chapel?—No, not the slightest; but he wanted to prevent me from speaking.

3644. Mr. *Karslake.*] Mr. M'Nicholas, the parish priest, tried to prevent you from speaking in the chapel, did not he?—He said that was not the proper place for me to speak; I should not speak there; or words to that effect.

3645. Did he also say that you could speak to the people outside?—Not in my hearing; Mr. Halligan called out that if I wanted to speak I could speak outside.

3646. So that Mr. M'Nicholas and all the people could hear him?—Yes.

3647. You say that you had never addressed a congregation in a chapel before; have you ever heard any layman do so after mass?—I have on one occasion, many many years ago.

3648. When was that?—I forget now, or even the subject of it.

3649. But you remember its being done?—I do.

3650. Do you remember thinking it extremely irregular on the part of a layman to do so?—Certainly not; not if the topic introduced in such a place required him to do so.

3651. Do you mean to say that at the time you heard a layman address the the people in a chapel it did not strike you as irregular?—I do not understand you.

3652. You say that you remember hearing that upon one occasion?—Yes.

3653. Did you not think at the time that it was a most irregular thing for a layman to address the people in a chapel?—I thought it was perfectly justified upon his part; it struck me that it was called for.

3654. By the *Committee.*] Do you remember what the topic was?—I do not.

3655. Mr. *Karslake.*] You had known Mr. Moore, I believe, for some years?—I had had that pleasure for a long time.

3656. Had your brother been Mr. Moore's agent?—He had.

3657. Had you assisted your brother as agent for Mr. Moore?—No; I was subsequently acting as agent for Mr. Moore.

3658. You subsequently acted for Mr. Moore?—Yes.

3659. By the *Committee.*] Was this at a former election?—No; it was as property agent, as land agent.

3660. Mr. *Karslake.*] How long ago were you land agent to Mr. Moore?—About six years ago; I am not quite sure; it was only for a very short time.

3661. After your brother?—After my brother.

3662. You spoke of a man whom you saw about the time of the election, called Mark M'Donnell?—Yes.

3663. I think you said that you believed him to be an agent of Mr. Moore's?—The under-agent, I believe; what they call the driver.

3664. Was he under-bailiff or driver at the time that you were agent?—I think not.

3665. Will you undertake to say that it was so?—I should say so.

3666. Was he the under-bailiff or driver at the time that your brother was agent?—I think he was.

3667. By the *Committee.*] Were you Mr. Moore's agent, or only acting for your brother?—I was his agent *pro tem.*

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3668. Mr. *Karslake.*] You say that M'Donnell was the under-agent or driver at the time your brother was agent?—Yes.

3669. And he was not at the time that you became agent?—No; for I did not approve of the man.

3670. Do not you know that M'Donnell was discharged, dismissed from Mr. Moore's employment about the same time that your brother gave up the agency?—I think he was; I am not sure; it is six years ago; I do not recollect.

3671. Then you know that he was dismissed at about that time?—I think so; I think he was dismissed.

3672. Did you find him the under-agent at the time you became the agent?—I think not; my impression is that he was not.

3673. How long did you continue in the agency?—A very short time.

3674. May I ask what reason you have for saying that M'Donnell, about the time of the election, was an agent for Mr. Moore, or a driver for Mr. Moore?—I heard that he was replaced.

3675. Is that your only reason for saying so?—And that he acted as the under-bailiff.

3676. Is that your only reason for saying so?—He has always made himself, so far as I have seen, very prominent in Mr. Moore's affairs.

3677. I ask if you know of your own knowledge that M'Donnell was ever replaced in the service of Mr. Moore?—No; but I have reason to think so, from the way he went on.

3678. Was your brother dismissed from Mr. Moore's service in consequence of a defalcation in his accounts?—He was discontinued in consequence; I do not know that there was anything in the way of dismissal; there was a simple discontinuance of the agency.

3679. Was the discontinuance of the agency in consequence of a deficit in his accounts?—It was, I understood.

3680. You understood?—Yes.

3681. Had you not reason to know that that was the case from the part you took in it yourself?—I believe it was the fact.

3682. You know it was the fact, do not you?—I cannot say; that was the apparent reason, I believe.

3683. Do not you know that M'Donnell was at that time accused of complicity with your brother, and dismissed in consequence?—No; I believe it was on the representation of my brother to Mrs. Moore that he was dismissed.

3684. Do you know whether the representations of your brother were that he had also been guilty of defalcation?—No, I think it was more his general conduct towards Mr. Moore's tenantry.

3685. That is your statement upon that subject?—That is my impression, my recollection, as far as my recollection goes.

3686. Have you been living much in the county of Mayo of late years?—I have been for the last two years at home, but previous to that, I had been four or five years engaged in public departments. I was engaged in a public department under the Poor Law Commissioners.

3687. That was as Vice Guardian, I believe?—At first as temporary Poor Law Inspector, then as a Government Inspector, and then as Vice Guardian, and subsequently to adjust the liabilities of unions, on the formation of new unions.

3688. You have been home, you say, for two years?—I think about two years; more, I should think; three or four years I think I have been.

3689. The polling began at Swinford on the Monday, I believe?—Yes.

3690. Did you go out in cars, or with the cars for the purpose of bringing in the voters for Colonel Higgins?—No, I went mostly on being applied to, to go out as a magistrate with escorts.

3691. Who applied to you on those occasions?—The supporters of Colonel Higgins.

3692. You say "mostly;" did you go out on any occasion for the purpose of bringing in voters, except when you were applied to?—No.

3693. How many times do you think in the course of the election you went out for the purpose of bringing in voters?—About four times.

3694. Did you on each occasion take an escort?—Yes.

3695. How many voters at a time may you have brought in?—From four to twelve.

3696. What other deputy was there at Swinford, besides yourself, deputed magistrate?

magistrate?—A Mr. O'Malley was one, the Mr. O'Malley I alluded to just now; I believe Mr. Strickland also.

3697. Is that Mr. Thomas Strickland?—No, Mr. Charles Strickland.

3698. By the *Committee.*] Had he a deputation?—I am not sure that he had a deputation, but I believe he had.

3699. Mr. *Karslake.*] I understand Mr. O'Malley was one who had received a deputation?—I know he had a deputation; but I do not know that Mr. Strickland had one.

3700. Had Mr. Charles Strickland a deputation?—I am not sure that he had.

3701. Was Mr. Charles Strickland a member of the committee with you?—I think he was.

3702. Was he acting at Swinford during the election?—In what capacity?

3703. Did you see him active during the election at Swinford?—Yes.

3704. Did you see him bringing in voters?—I did.

3705. With an escort, or without?—I think he had an escort; he had an escort.

3706. You say he had an escort?—Yes, I think he had.

3707. Was he accompanying the escorts as a deputy magistrate, do you know?—I am not aware.

3708. Was there any other deputed magistrate with the troops at the time you saw Mr. Strickland with them?—I did not see one.

3709. Did you see Mr. O'Malley bring in voters?—He brought in some with me.

3710. Did you see him bring in some when you were not present?—No.

3711. Did you see him, I mean, when he came up to the polling-booth, bring in voters when he had not gone out with you?—No; I did not see him at all bring in voters, except on the occasion he accompanied me.

3712. By the *Committee.*] On the occasion to which the learned counsel refers, could Mr. Strickland have come in for the purpose of voting himself as a voter, and not in the capacity of a deputy magistrate; might he have come in on the cars for the purpose of recording his vote?—Yes.

3713. Mr. *Karslake.*] Did you see Mr. Strickland on the two days of the election?—No; I do not think I saw him either day of the polling.

3714. Not on the polling days?—No.

3715. Did you not say just now that you saw him bring in voters during the polling?—No; I said I saw him bring in freeholders, I did not say when; it was before the polling began.

3716. I understood you to say; that you saw Mr. Strickland come in with voters and soldiers?—Yes, cavalry; but whether he came in as a magistrate I cannot say, or as a voter.

3717. Is he the agent for Lord Dillon?—He is.

3718. About how many voters did you see coming in with Mr. Strickland?—A considerable number.

3719. Three hundred or 400?—I should say not.

3720. You should say not?—No, not so many.

3721. Were Lord Dillon's tenants favourable to Colonel Higgins?—They were, I believe; most of them, I believe.

3722. When you went out, as you have described, did you take cars with you to go and search for Colonel Higgins's voters?—On every occasion that I went out with an escort, I took cars.

3723. Did you go to bring up the voters that you yourself had canvassed in many instances?—Yes; because they were in my own neighbourhood.

3724. I suppose the majority of those you brought up you yourself had canvassed?—No, not personally.

3725. Many of them?—Some, not many.

3726. By the *Committee.*] Did those voters in the opposite interest require an escort to be brought up?—I am not aware of any application having been made for an escort at all; I should say there was no necessity whatever for an escort.

3727. Mr. *Karslake.*] You have given us one instance in which you say a man left the car; you did not see whether he was taken off, or what happened, yourself?—No.

3728. With that exception, did you bring up successfully to the poll the different voters you had gone out for?—No.

 3729. What

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3729. What other instance do you refer to?—I refer to an instance of a voter who promised to vote for Colonel Higgins, and we expected to have got him, and when we came for him, we found that he had been taken off by Mr. Moore's agents or friends.

3730. Let me reduce that to its dimensions; you went to look for a voter, and you did not find him; I ask you whether there was any voter besides the one you have mentioned whom you got upon the cars for the purpose of taking up to the poll, and whom you did not succeed in getting up to the poll?—No, not on the cars.

3731. That was what I asked you?—You did not mention the cars; I thought you meant generally.

3732. On what day was it that Mr. Moore addressed the people at Swinford?—The day he canvassed the town.

3733. That does not give me any information at all. Tell me what day?—About a week before the election.

3734. Do you remember whether it was before the nomination or not?—I think it was after the nomination; I am not sure. Indeed, I know it was some days before the election.

3735. Then you will say it was in the week of the election?—To the best of my recollection it was a week, or the week before the election; I am not quite sure.

3736. Was it on one day that you saw him there?—He was there the second day.

3737. When?—Either the second day, or immediately before that of the election; I think the second day.

3738. Did you see him there on more than one occasion before the election?—No.

3739. You say on that occasion he addressed the people?—He did.

3740. Was Mr. Philip Taaffe, of Woodfield, on the committee with you?—I think his name was on the committee, but he did not act. I did not see him at all at any of our committee meetings.

3741. How many meetings had you altogether that you were present at?—Three or four.

3742. Did you see Mr. Taaffe at Swinford?—I did.

3743. Had he a deputation?—I do not know.

3744. Did you see him there both days of the election?—No; I saw him one day of the election; the second day.

Re-examined by Mr. *Hale*.

3745. The deputation, you say, which you held was to act as a magistrate?—As a magistrate.

3746. Not as deputy sheriff?—As a magistrate.

3747. You say you saw escorts go out for Colonel Higgins's voters?—I accompanied escorts.

3748. Could you have got the voters in without escorts?—Certainly not; decidedly not. I would not have endangered myself by going out without an escort, nor have taken the responsibility of bringing the freeholders in without an escort.

3749. Do you know of any escort having gone out to bring in Mr. Moore's voters?—No.

3750. Was it necessary?—I should say not, certainly.

3751. By the *Committee*.] Did I understand that you had addressed the people in the chapel at Swinford, as well as at Bohola chapel?—No; only in Bohola, and with very great reluctance, I assure you.

3752. How far is Bohola from Swinford?—About five miles; five English miles.

3753. Mr. *Hale*.] You say you went out for a voter who had been taken away?—Yes.

3754. Who had promised to vote for Colonel Higgins?—Yes.

3755. What is the man's name?—Michael Durcan.

Examined by the *Committee*.

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3756. Was that the man who was taken off the car?—Yes; his father had gone in previously, and eventually plumped for Colonel Higgins; and his son promised to do so too.

3757. How did he vote, do you know?—I do not know, indeed.

3758. Who was the other man that you did not get up?—His name was Dunleavy; the second person I alluded to.

3759. When you received the deputation from the sheriff, did you take any oath?—No, none.

3760. Or, did you make any declaration?—No; it is a written authority from the sheriff to act.

3761. Was it your duty to act as a deputy sheriff?—To act as a magistrate.

3762. How many magistrates are there, to the best of your knowledge, acting in the district of Swinford?—Mr. O'Malley, and myself, and Mr. Patrick Tuohy.

3763. Are those the only three magistrates?—We are the three magistrates who generally attend, and do the petty session business, with the exception of the resident magistrate.

3764. Were all those magistrates members of Colonel Higgins's committee?—No, Mr. Tuohy was not; there are other magistrates who act occasionally, but very seldom.

3765. Where do you hold your petty sessions?—I attend three petty sessions in my immediate neighbourhood, Swinford, Ballyvarney, and Foxford.

3766. Are you aware whether any of the magistrates of that district, or of those districts in which you acted, were members of Mr. Moore's and Captain Palmer's committee; or do you know anything at all about Mr. Moore's and Captain Palmer's committee?—No, I do not.

3767. Which were the two of those three magistrates who were on your committee?—I am not sure, indeed; Mr. O'Malley was, I am certain; I am not certain whether Mr. Tuohy's name was on it.

3768. Who was the third?—Mr. O'Malley, myself, and Mr. Patrick Tuohy; those are the three who generally attend the petty sessions.

3769. Yourself one?—Myself one, Mr. George O'Malley two, and Mr. Patrick Tuohy three.

3770. If you were the magistrates in ordinary times, how came you to be deputed magistrates at the election?—I believe the law is, that you cannot act at an election without a deputation from the sheriff; I do not know positively what the law is, as a fact; I should wish to say one word upon a private matter, upon which I was attacked on cross-examination; as it was alluded to, I would like to give every explanation upon the matter.

Mr. *Karslake* stated that he had only pressed the personal questions so far as to elicit facts connected with O'Donnell; that if the matter were again gone into, he should have to press his inquiries further, but that he had no wish to do so.

Witness. I am quite ready to answer any questions; there was a word used which I objected to; I only wished to say that I was immediately after appointed Mr. Moore's agent; I am quite ready to offer any explanation if the Committee wish it.

[The Witness withdrew.

Mr. *Ambrose Lavin* was called in; and, having been sworn, was Examined by Mr. *Hale*, as follows:

Mr. *A. Lavin*.

3771. YOU live at Bohola?—I do.

3772. Are you a freeholder of the county?—Yes.

3773. Do you recollect the last election for the county of Mayo?—Yes.

3774. Do you remember the Sunday before Palm Sunday?—I do.

3775. On that day were you at Bohola chapel?—I was.

3776. Who was the priest officiating?—The Reverend Mr. Halligan; he is the catholic curate; and the parish priest was also there.

3777. What is his name?—The Reverend Mr. M'Nicholas.

3778. After mass did either of those reverend gentlemen address the congregation?—Yes.

3779. Did

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3779. Did they refer to the approaching election?—Yes.

3780. By the *Committee.*] Which?—Mr. Halligan.

3781. Mr. *Hale.*] Did Mr. Halligan mention any of the candidates by name?—He did.

3782. What did he say?—He said, "I suppose you are anxious to hear something about the election, now that the priests and bishops are for Mr. Moore and Captain Palmer, and against Colonel Higgins; he is a pledge-breaker, and a traitor to his country, and a Government man."

3783. Did he say anything more?—He did.

3784. Go on?—He said that the bishops and priests were against him as he became a traitor; that he could not be intrusted; that there could be no confidence placed in him; and that the day that the people would turn against their priests and bishops, it would be a sad day for themselves.

3785. By the *Committee.*] Did he mention the archbishop's name?—No; he said bishops; I think he said four bishops.

3786. Mr. *Hale.*] Did he say anything about a meeting at Castlebar?—Well, I do not know; he might have said it.

3787. After this did you hear Mr. M'Manis say anything?—Yes; I saw Mr. M'Manis standing up to refute the charges made by Mr. Halligan.

3788. What did Mr. Halligan or M'Nicholas do then?—Mr. Halligan at once called out to Mr. M'Nicholas, the parish priest, and likewise to the congregation, not to hear him speak, or allow him to speak, but ordered him out, outside.

3789. That was on the 29th?—Yes.

3790. In the following week did you see Mr. Moore in Swinford any day?—I did; I saw him, I think, about a fortnight or so before the election; I did not take notice, indeed, of the particular day.

3791. I am asking of the week before the election?—About a fortnight or so before the election.

3792. About a fortnight before the election you saw him in Swinford?—Yes.

3793. Were there any priests with him?—Yes; I saw four or five, I think.

3794. Do you know a man named James Jordan?—I do.

3795. Was he with Mr. Moore?—He was.

3796. Was Mr. Moore canvassing?—He was.

3797. Do you know the Rev. John Coghlan?—Yes.

3798. There is a village, I believe, near Swinford, called Keltemagh?—Yes.

3799. Were you at Keltemagh the day before the election?—I was.

3800. What day was that?—The 2d of April.

3801. That was the day before the nomination at Castlebar?—Yes.

3802. Did you see Mr. Coghlan there?—Yes.

3803. Was he speaking?—He was.

3804. Where from?—From a window of a house in Keltemagh.

3805. What house was that?—John M'Nicholas's; it was a public-house.

3806. By the *Committee.*] Was it used as an electioneering place?—I am not aware of that; I was told it was.

3807. Mr. *Hale.*] Did you see any placards outside?—No.

3808. Did you hear what Mr. Coghlan said?—Yes, he addressed the people; he called upon the electors and non-electors to vote for him.

3809. When you say to vote for "*him,*" what do you mean?—To support him, to vote for Mr. Moore and Mr. Palmer.

3810. Did you at the same time, or about the same time, see Mr. Jordan there?—He was standing quite close to him.

3811. At the same window?—Yes.

3812. Did you hear Mr. Jordan say anything?—He addressed the people; he said a few words; he said if Colonel Higgins was there, he would daub his face with the dirt of the street, and called him a cut-throat.

3813. By the *Committee.*] What is Mr. Jordan?—He was very active.

3814. What is he, in any profession?—No, he is a private gentleman.

3815. Mr. *Hale.*] After these speeches, what was the state of the crowd?—He called upon the people to hoot him; if he should come into the town, to hoot him out of it; that he was a pledge-breaker, and a traitor to his country.

3816. After those speeches, what was the state of the mob?—Very violent indeed, and most of them were Mr. Moore's tenants; they were armed with bludgeons, sticks, and such things as that.

3817. Were they violent towards you personally?—Indeed, I was very much frighted.

frighted. I took refuge in a house, and they came immediately after, and got in front of the house I went into; I believe it was the only house in the town that was for Colonel Higgins, and they were hooting and groaning and yelling there; buzzaing for Mr. Moore and Captain Palmer, and hooting Colonel Higgins down.

3818. Do you recollect the 4th of April?—I do.

3819. Did Mr. M'Nicholas come to you?—He did.

3820. Where were you?—I was in my own house.

3821. Anybody else with him?—He was accompanied by Patrick Sheridan, a bailiff of Mr. Moore's.

3822. What passed then?—Mr. M'Nicholas, the priest, asked me if I had got any freeholders there. I said, "Yes." "Call them out," said he. I did. "Now, if you do not vote for me, I will make you sorry; I will mark you." The freeholders were in my care; they were Mr. Taaffe's tenants.

3823. By the *Committee.*] Are you Mr. Taaffe's agent?—I am under-agent.

3824. Mr. *Hale.*] Did he say this to the freeholders, or to you?—To the freeholders; he first addressedt he freeholders; I turned round; "Sir," said I, "I would wish to be respectful to you, but sir," said I, "I think you have no right to speak in that manner to the freeholders; you can see Mr. Taaffe," said I, "on Monday next in Swinford; he can do as he likes with his tenants." He at once turned round, and pointed his walking-staff or cane he had to me, and called me a scoundrel and a rascal, and said that he would make me sorry.

3825. By the *Committee.*] You say that he said, If you do not vote for "*me,*" I will do this, that, and the other?—Yes.

3826. I suppose you understood him to mean that if they did not vote as he wished?—Yes.

3827. Because he was not a candidate?—Oh, yes.

3828. Did he call you a scoundrel?—He did, and a rascal.

3829. Mr. *Hale.*] How long had these freeholders been in your house?—I think it was about three o'clock in the afternoon when Mr. M'Nicholas came to my house, and they had been there from 12 to 1; that was when they came to my place.

3830. Did they come there of their own accord?—Yes; I sent for them.

3831. The polling began on the 6th of April?—Yes.

3832. Do you know a man named Dunleavy?—I do.

3833. Michael Dunleavy?—Yes.

3834. Was he a supporter of Colonel Higgins?—When I met Mr. Taaffe on the first day of polling, that was on the Monday, he asked me ——

Mr. *Karslake.*—We cannot have that.

3835. Mr. *Hale.*] At all events, did Dunleavy vote for Colonel Higgins?—For Moore and Higgins.

3836. Did you go up with him to the poll?—I did; I first met him as he came into the town; he was accompanied by Mr. Jordan and his son.

3837. Was it Mr. James Jordan that made the speech?—Yes; and by Mr. Patrick Sheridan, the bailiff of Mr. Moore, and his son Lawrence; there was, I think, 13 or 14 cars of them, and I should say about 80 or 90 of the mob with them; I had seen a good deal of Mr. Moore's tenants there; and when I came to Dunleavy and spoke to him, just merely to ask him what was he about doing, or who was he going to vote for, he being a tenant of Mr. Taaffe's, on doing so, and placing my hand upon his shoulder, Mr. Sheridan came down, and struck me with a loaded whip on the head.

3838. By the *Committee.*] Was there any military escort with these 13 or 14 cars?—No, I think not.

3839. Mr. *Hale.*] There was a mob with them, was not there?—I think there was about 90 or 100 of them there, armed with sticks and bludgeons, and that description.

3840. You are certain there was no escort of military?—Not with them; I think not.

3841. Did you see escorts of military used during the election?—Oh, yes.

3842. On whose behalf?—On Colonel Higgins's; I did not see one at all the other side, and the very moment that Sheridan assaulted me with the whip, he assaulted Dunleavy's son immediately after—gave him another blow on the head with the same whip.

3843. This was Mr. Moore's bailiff?—Yes; and I really thought ——

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3844. Mr. *Karslake.*] Never mind what you thought; what did you do?—I was at once surrounded by a good deal of the mob, that is Mr. Moore's tenants particularly; I knew them, and my life would not be worth twopence to me were it not for the timely interference of the police.

3845. Do you recollect the following day, the 7th of April?—I do.

3846. You were at home, I think?—Yes.

3847. What occurred then?—I think there were about five or six of Mrs. Moore's tenants came into my house.

3848. By the *Committee.*] Who is that, Mr. Moore's mother?—Yes; they entered my house, and were conducting themselves very disorderly and violently there, making use of threatening language, such as, "If we catch you out, we will do this and that, and we will have your lives, for turning your backs to the people; you cannot go to a fair or a market; you must stop at home for doing what you did, for turning your backs to the people."

3849. Do you keep a public-house?—I do.

3850. Mr. *Hale.*] I believe you obtained some assistance?—Yes; they called for some drink, and got it; it was in fact more to pacify them that they got the drink.

3851. Mr. *Karslake.*] Was it soda-water?—No, strong whiskey; but the object we had in doing it, and at last refusing them.

3852. Mr. *Hale.*] You then sent for some assistance, I believe?—We eventually succeeded in putting them out; and when they got outside, they made an attack upon the house with stones, so much so that my wife felt it necessary to send down for Mr. M'Manus' steward to bring his gun, and to fire a few shots in the air, and he did so, which took the desired effect.

3853. Fired shots in the air?—Yes, just to frighten the mob off.

3854. Did that frighten them off?—Yes.

3855. You saw the town during the whole of this election?—Yes.

3856. Have you seen previous contested elections?—Yes.

3857. Was there a state of excitement?—Very much so, indeed.

3858. More or less than before?—More; I never saw more so.

3859. Did you see any priests?—I did.

3860. Were they in the polling booth?—Yes.

3861. Will you name them?—I saw Mr. Phinn there; I saw Dean Durcan there.

3862. A brother of Bishop Durcan?—Yes.

3863. Did you see Mr. M'Nicholas active upon that day?—No, I did not; that was the only thing that I saw the Rev. Mr. M'Nicholas doing that I have stated.

3864. Is the Rev. Mr. Coglan an archdeacon?—He is.

3865. Did you see Colonel Higgins's voters assaulted?—I did.

3866. Did you see priests bringing freeholders up to the poll?—

Mr. *Karslake* objected to the question.

3867. Did you see freeholders assaulted?—I did, and would have been struck.

3868. Mr. *Karslake.*] Never mind "would have been"?—They were obliged to be protected by the military.

3869. Mr. *Hale.*] In whose interest were those freeholders?—For Colonel Higgins.

3870. By the *Committee.*] You live at Bohola?—I do.

3871. Are you a Roman Catholic?—I am.

3872. Are you in the habit of attending chapel at Bohola?—I am.

3873. Is it usual for the priests, during or after divine service in chapel, to address the congregation upon subjects not referring to the service of the day?—Why I never knew them to be in the habit of doing so, but whenever the electioneering is going on.

3874. Were you living at Bohola at the time of the election in 1852?—I was.

3875. The last election before this?—I was.

Cross-examined by Mr. *Buchanan.*

3876. You live at Bohola?—I do.

3877. It was after mass that Mr. Halligan addressed the congregation?—Yes, immediately after mass.

3878. I believe

3878. I believe the priest has a right to address the congregation from the altar?—I suppose so.

3879. Have you often seen it done in other matters besides religious matters?—Yes.

3880. Have you heard in the chapel of Bohola, at other elections, addresses to the congregation respecting election matters?—I have.

3881. You said you heard Mr. M'Manis interrupt Mr. Halligan?—Yes.

3882. Did you ever see such a thing done in a chapel before, for a layman to stand up and interrupt a clergyman in his address at the altar?—I do not think I did; I think not.

3883. Was not it highly improper for a layman to get up in the chapel and interrupt the clergyman in his sacred vestments at the altar?—I think not; he spoke very respectfully.

3884. But you never heard such a thing done before?—I think not.

3885. Did not Mr. Halligan tell Mr. M'Manis, "Sir, if you have anything to say to the people, go outside and say it; this is a privileged place"?—He did.

3886. Did Mr. M'Manis, notwithstanding that, continue to address the people?—No, for he would not be heard; great excitement prevailed.

3887. Then he did not address them?—He did not.

3888. He did not say a word in the chapel; is that so?—Not after Mr. Halligan called upon the congregation not to hear him, which caused great excitement.

3889. Then do you say that as soon as ever Mr. M'Manis began to speak, Mr. Halligan called upon the people not to allow him?—He did.

3890. And then that Mr. M'Manis gave up?—He did.

3891. And said nothing?—I will tell you; I do not know as to that.

3892. The Rev. Mr. M'Nicholas, the parish priest, was there?—He was.

3893. Did he not tell Mr. M'Manis it was improper for him to speak in that place?—He said something, but I could not hear distinctly.

3894. Where were you in the chapel?—A few yards from where Mr. M'Manus was standing.

3895. Near the rails?—No.

3896. Not near the rails of the altar?—No; the people were so much alarmed.

3897. Did Mr. M'Manis then say something?—He did say something; both the priests appeared to be a little excited.

3898. In fact, Mr. Halligan was giving his own opinion as to the candidates?—He was.

3899. As to who was desirable to be elected?—Yes.

3900. You say, I think, that about a fortnight before the election you saw Mr. Moore in Swinford?—Yes.

3901. Do you persist in saying that?—To the best of my belief it was about a fortnight before the election.

3902. Are you as accurate in everything you state now as you are in that?—Yes.

3903. We shall see by-and-bye; what brought you to Keltimagh that day?—I was in the town on private business.

3904. What is your business?—I am a farmer.

3905. Do you keep a public-house?—I do.

3906. At Bohola?—Yes.

3907. Near the chapel?—Not very far from the chapel; not immediately on the spot.

3908. Not in the chapel?—No, nor yet at the gate.

3909. A few perches off, probably?—Yes.

3910. Pray, did you take an active part yourself with respect to this election?—I did.

3911. Canvassed a good deal?—As much as I could; it was very little I could do for the terror.

3912. What terror?—The people were so very much against Colonel Higgins, and the priests.

3913. Were Mr. Taaffe's tenants against Colonel Higgins?—No, certainly not.

3914. You canvassed them, I suppose?—On this day I did canvass them, inasmuch as this, I told them to go into my house at Bohola, till they went to Swinford to poll for Colonel Higgins, which they did.

3915. You canvassed other people, I suppose?—Yes.

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3916. Were they the tenants?—Yes.

3917. You spoke strongly to them, did you not?—No, I did not.

3918. Did you tell them that Colonel Higgins was a much better man than Mr. Moore, or Captain Palmer?—I did.

3919. Are you sure you did?—I am positive; I think any honest man ought to do that.

3920. You put the screw on a little, did you; you pressed them very hard, did you?—No; as far as I could consistently do it.

3921. That is consistently in your opinion?—Just so.

3922. As to this place of Keltimagh; the Rev. Mr. Coghlan was there?—Yes.

3923. Is Mr. Coghlan a registered voter of one of the baronies to vote at Swinford?—I suppose he is.

3924. Do not you know it?—I think he is.

3925. Are you not certain of it?—I think he was.

3926. Did you see him poll?—No.

3927. There were a good many of Mr. Moore's people, you say, in the town of Keltimagh?—Yes.

3928. There were a good many voters in the streets that day?—Yes.

3929. What is the market-day at Keltimagh?—Thursday.

3930. The Thursday before the election?—Yes.

3931. Did you say that most of the people in the streets were Mr. Moore's tenants?—I think I saw a few of Lord Lucan's there.

3932. And those were the people that the Rev. Mr. Coghlan addressed?—At the time Mr. Coghlan was addressing them, there were several others there.

3933. I suppose the whole town was not Mr. Moore's tenantry?—No.

3934. Those were the people the Rev. Mr. Coghlan was addressing?—Yes, I knew it immediately after.

3935. Just answer my questions; did you see Mr. Moore at Keltimagh?—No.

3936. Is there a namesake of yours at Keltimagh?—There are several of that name.

3937. Is Patrick Lavin one of them?—He is.

3938. When you went in you say to Swinford this day, you saw Dunleavy on a car?—Yes.

3939. Whereabouts did you see Dunleavy first; where do you say you saw Dunleavy in Swinford?—The first day of polling, Monday.

3940. Whereabouts did you see Dunleavy?—At the Court-house; they pulled up there, and had a halt.

3941. Will you tell me, as well as you recollect, were there any gentlemen present upon that occasion?—Yes, there might be a few.

3942. So there might not be; I want you to tell me plainly whether there were or not?—I think there was.

3943. There were gentlemen there?—Yes.

3944. Who were they?—I saw Mr. Joseph Jordan there.

3945. Did you see Mr. George James O'Malley there?—I think he was there.

3946. I want to direct your attention to the car on which Dunleavy was sitting, and I ask you to direct your attention now to my question; did you see Mr. George James O'Malley near that car?—Yes.

3947. Did you see Mr. Charles Strickland, the magistrate, near that car?—No.

3948. Did you see Mr. Francis O'Grady, the magistrate?—No.

3949. Did you see Mr. Philip Taaffe near the car?—No.

3950. You did not?—No.

3951. Might any of those gentlemen be present without your having seen them?—Indeed they might; the crowd was so great at the time, and the pressure of the people.

3952. Did you see Patrick Cauley there?—No.

3953. Are you quite certain of that?—Yes.

3954. Before I go further, I will try back, and ask you again, did you see any of those gentlemen there about that car on which Dunleavy was sitting?—I have told you distinctly I did not.

3955. That is your answer?—Yes.

3956. Did you see anybody pull Dunleavy off that car?—No.

3957. You

3957. You swear that?—I do.

3958. Did you see him get off the car?—I did.

3959. By himself?—His son accompanied him at the time.

3960. Was anybody else with him?—His son was speaking to him, and so I was speaking with him.

3961. Did he walk into the polling booth from the car without anybody?—I will tell you; old Mr. Dunleavy asked his son to take him down off the car, and his son did give him a little assistance, in leaning on his arm to take him down off the car, and I laid my hand upon him also, just on his collar, that way; and upon doing that, that was how we were assaulted; Sheridan ran round the car, and struck me with the whip on the head, and struck young Dunleavy also.

3962. You laid your hand upon him to get him to go along with you?—I did.

3963. He is a tenant of Mr. Taaffe's?—Yes.

3964. And you said you are under-agent?—Yes.

3965. I suppose it was a broad hint how you wished him to vote?—Certainly; we were anxious to poll him for Colonel Higgins, it being the wish of Mr. Taaffe also.

3966. Did you see Captain Brabazon there at the time?—No.

3967. Captain Brabazon, I believe, was the deputy sheriff?—Yes.

3968. At the booth?—Yes.

3969. Then your evidence is this; that Dunleavy walked into the booth?—No.

3970. How did he go into the booth?—He was dragged away by Mr. Jordan, and his son, and Patrick Sheridan and his son.

3971. Were you present when he voted?—I was.

3972. How did he vote?—For Colonel Higgins and Mr. Moore; he would have plumped for Colonel Higgins.

3973. I suppose you are going to answer for the man; if you bring him here, he will answer for himself?—(*No answer*).

3974. Mr. *O'Malley.*] Did he tell you so?—He did, and told me there and then.

3975. Mr. *Buchanan.*] About this drinking in your house when the freeholders came in; I believe men do not often go into a public-house to drink unless they are on friendly terms with the owner of it?—Sometimes they do.

3976. They do not leave their money there?—Sometimes they might.

3977. Did they call for drink in your house?—They did.

3978. And you gave it to them?—Yes.

3979. Had they much to drink?—Not a great deal.

3980. Can you charge your memory how much?—I think about a pint.

3981. That was to quiet them?—The object of giving it was, that we thought by refusing them they might become more violent.

3982. And you sent for Mr. M'Manis's steward to shoot them?—I have already told you.

3983. By the *Committee.*] Do you mean a pint each?—No, a pint altogether.

3984. Mr. *Buchanan.*] You have been, I suppose, at other elections in Mayo?—I have.

3985. Do you remember Colonel M'Alpine's election?—I do.

3986. Do you recollect a little transaction occurring in the village of Boholda on that election?—Several things occurred.

3987. Ah! do you know what I mean—wait a moment. I will now get on the ground of riot and excitement; do you——

Mr. *O'Malley* submitted that his friend had a right, if he chose, to go into the general question, whether at previous elections excitement and tumult did not exist, but that he had no right to enter upon particular instances.

Mr. *Buchanan* said he proposed to ask the witness about a transaction that had occurred.

3988. Did you see the military go through Boholda in 1852?—I did.

3989. A large body of military?—I did.

3990. Had they voters in charge?—They had.

3991. Were the military and the voters attacked in the village of Boholda?—They were.

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3992. With stones?

Mr. *O'Malley* objected to the question.

Mr. *Buchanan* submitted that he had a right to give evidence of what occurred in 1852.

The *Chairman* stated that the Committee could not go into any detailed transaction, but that any question showing the general state of the town of Boholda at that time was perfectly legitimate. The learned counsel might ask the witness why the military were at Boholda, whether it was in consequence of the state of tumult in which the town was, and so on, but not the details.

3993. Mr. *Buchanan.*] You saw the military in charge of the voters in the town of Boholda in 1852?—Yes.

3994. From your knowledge of the county at that time, was it necessary for the protection of voters that the military should accompany them?—Yes, for Colonel M'Alpin's voters.

3995. Were you in the town of Swinford during that election?—I was.

3996. Were there military there?—There was.

3997. Did you see voters protected by the military during that election at Swinford?—I did.

3998. Was it necessary for the purposes of that election that there should be military in that town of Swinford?—Yes.

3999. Do you remember any previous elections at Mayo previous to 1852?—No.

4000. You do not?—No.

4001. Are you a voter yourself?—Yes.

Re-examined by Mr. *O'Malley.*

4002. Now, with respect to Swinford and Boholda, you say that it was necessary to have the military to escort voters; were those voters going up to vote for Colonel M'Alpin, against whom the influence of the priests was directed?—Precisely.

4003. Now I want to call your attention to a part of your cross-examination that occurred some time ago; you were asked about Mr. Cochrane addressing the people in the streets?—Yes.

4004. And you were asked whether they were freeholders of Mr. Moore, tenants of Mr. Moore?—They were tenants.

4005. You were just going to say, "I know that immediately after," when you were stopped?—Yes, immediately after Mr. Cochrane having done with his speech, the tenants of Mr. Moore, with several others, paraded the town, shouting and going on in that kind of way, so much so that any one that was for Colonel Higgins, or supporting him, was obliged to go into the houses from them; I, for one, was obliged to do so.

4006. Now you were asked about your bringing some voters into the house; for what purpose did you bring them into the house?—To support Colonel Higgins, to vote for him.

4007. Why was it necessary to bring them into the house?—I was to accompany them myself to Swinford.

4008. You were also asked about Mr. Macmanis speaking, and my friend tried to get you into a contradiction as if Mr. Macmanis had not spoken. I think you said that his language appeared to you to be very respectable and decent language?—Yes.

4009. You did hear him?—Yes.

4010. Whatever it was, he had tried to address some remonstrance to the priest?—Yes.

4011. You say that you are not aware of any layman having interposed in a chapel in that way before; have you ever before known a gentleman receive such provocation to rise up?—I never saw him.

4012. Was the language which brought Mr. Macmanis up very violent and insulting towards Colonel Higgins?—It was; so much so, that he said he was a traitor to his country, a pledge-breaker, and words to that effect.

4013. Was

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4013. Was that said in a quiet composed way, or in an excited way?—He appeared to have conveyed it rather in a determined way.

4014. I asked you about why you brought them into the house to go with you; had you any particular reason why you wished to keep them together there?—I was apprehensive that the priests might interfere with them, and take them away.

Mr. *Buchanan* requested the Committee to be good enough to ask the witness whether any portion of the language addressed by Mr. Hallighan applied to Mr. Macmanis personally.

4015. *Chairman.*] You hear the question; be good enough to answer it. Had the language of the priest upon this occasion any reference whatever to Mr. Macmanis?—No, not until Mr. Macmanis got up, and then the priest ordered him out.

4016. *Committee.*] Did the priest say that he would refuse absolution to anybody who voted for Colonel Higgins?—I never heard it.

4017. You did not?—I did not; I never heard it myself.

Mr. *Felim Brennan* called in; sworn, and Examined by Mr. *O'Malley*, as follows:

Mr. *F. Brennan.*

4018. WHERE do you live?—In the barony of Costello, in the county of Mayo.

4019. *Committee.*] What place?—Currownedin.

4020. Mr. *O'Malley.*] Were you a voter?—Yes.

4021. *Committee.*] What barony is it?—In the barony of Costello.

4022. Mr. *O'Malley.*] Do you know Father Richard Prendergast?—I do.

4023. Was he curate of your parish?—He is.

4024. What is the name of the parish?—Amoghmore.

4025. Do you remember the last election?—Yes.

4026. Well, shortly before that election, the Wednesday before the election, did you see Father Richard Prendergast?—I did.

4027. Where did you see him?—At my own place.

4028. At your own house?—Yes.

4029. Is that what you mean?—Yes.

4030. He came to your house?—Yes.

4031. Did he say anything to you about your vote?—To be sure he did.

4032. Tell us what it was?—He wanted to canvass me.

4033. Well, what did he say?—He said that he wanted me to vote for Moore and Palmer.

4034. Well, what did you say?—I said that I did not like to do that; that wherever my landlord would go, I would go that way.

4035. Who was your landlord?—Mr. Robert Routledge, of Bloomfield.

4036. Did you see him on the Wednesday?—Yes.

4037. Did he go away when you told him that?—He did.

4038. He did not say anything more to you?—No.

4039. That Thursday night, the next night, did any one come to your house again?—Yes.

4040. Who was it?—I do not know.

4041. Well, what were they; were they men or women, or what?—They showed like men.

4042. How did they dress?—They dressed white.

4043. What time was it?—I do not know; I have not watch or clock at my house.

4044. Was it night or day?—Night.

4045. Had you gone to bed?—Yes.

4046. What did they say to you?—They told me that if I did not vote for Mr. Moore and Mr. Palmer——

4047. Tell us the words which they used when they said Mr. Moore and Mr. Palmer's name?—They said that, and to go with my clergyman; wherever they go, I was to go, or I should suffer for it.

4048. *Committee.*] How many men were there?—I do not know.

4049. Mr. *O'Malley.*] It was dark?—It was. I do not know.

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4050. Now, at all events, your answer I believe was with a pitchfork, was it not?—I did not like them to come a-near me.

4051. Did you take up the pitchfork?—I did.

4052. Had you your son there too?—My son carried it to me.

4053. He brought you the pitchfork?—Yes.

4054. And they went away?—They did, without doing me any harm.

4055. Well now, did you go to mass on the Sunday?—I did.

4056. After mass did you see Father Richard again?—I did.

4057. Where?—In the sacristy.

4058. How came you to go into the sacristy?—Because he sent for us in.

4059. That is the room belonging to the priest himself, where he changes his vestments?—Yes.

4060. Well, what did he want of you; was it upon any religious matter that he sent for you?—No; he wanted me to vote for these gentlemen.

4061. Tell us what happened?—I paused, and said nothing. There were others that gave him an answer, that were present.

4062. Other voters?—Yes.

4063. Who were they?—One Hunter, and one Drury, and one Mulcree.

4064. Mulcree, Drury, and Hunter?—Yes.

4065. You said nothing, I believe?—Nothing.

4066. Do you mean that you did not say anything at all?—I gave no answer.

4067. Did he say anything to you?—No.

4068. Just recollect, how came you to leave the room; just recollect, how came you to leave the sacristy?—I paused when he put the question; I said nothing.

4069. How came you to go away?—Because I was not inclined to go until I got my master's orders.

4070. But how came you to go out of the place; did he tell you where to go, or anything?—He did.

4071. Did he speak to you alone, or to the other voters too?—No; he did not speak alone to me.

4072. Tell us what he said?—He said "Go and take a drink at the nearest house."

4073. Did he tell you to go and take a drink?—To be sure he did; not to me only, but all the others, along with the others.

4074. Did he tell you how much or how little you were to take?—As much or as little as we liked.

4075. It is not often a priest tells you that, is it?—He would not like us to get drunk.

4076. Did you go to drink?—I did; not with them.

4077. But you went away by yourself?—I did.

4078. After getting your drink, where did you go; to bed?—No; I went home.

4079. What time did you go to bed?—About dusk; it was not night.

4080. Did you sleep long?—I do not know how long I slept.

4081. Did you sleep till morning?—No, nor half morning; I was two hours in bed, but I have not watch or clock, and therefore I could not be exact.

4082. What made you awake?—Two gentlemen came.

4083. What gentlemen?—These two clergymen came.

4084. Which two clergymen; was Father Richard one of them?—Yes, he was.

4085. Who was the other?—Father James M'Gee.

4086. Where was he priest?—In our parish; there are two parishes, and they all go into one; they are joined into one parish; there is one parish priest.

4087. *Committee.*] Was it during the night that they went to you?—Yes.

4088. Mr. *O'Malley.*] Did they come up to your bedside?—They waked me, and I got up; when the clergyman started me, I got up, and walked out with them; they said they wished me to go to their own house.

4089. And did they bring you?—Yes.

4090. How did they bring you; walking along the street, or what?—No; they had a car for me.

4091. Were you willing to go on the car?—No, indeed I was not qualified to go on the car at that time; I was not very well dressed.

4092. You

4092. You had no shoes or stockings on, they tell me?—I had shoes, but I had no stockings.

4093. Was that your only reason for not liking to go?—I had a little pony of my own, and I was ready to go and vote when I had my master's orders, and my mind was to vote for Colonel Higgins if I could help it.

4094. When you were unwilling to go up in that undressed state, did they give you any help upon the car?—I did not go upon the car till I got dressed; they sent a boy for my clothes.

4095. And the clothes came to the priest's house?—No, I did not go to the priest's house.

4096. I thought you said that you went to the priest's house?—I did afterwards.

4097. Now did they hold you on the car?—They did; I had perhaps an inch of liquor taken more than the due.

4098. And they held you up?—Yes.

4099. *Committee.*] Do you mean that he was drunk?

Mr. *O'Malley.*] No. (*To the Witness.*) You were on your way to be drunk, I suppose?—(*No answer*).

4100. Well now, when you got on the car, did the priests do anything?—No; what would they do?

4101. Did you go quietly, silently, upon the car?—To be sure I did, when there was a clergyman sitting on my side; of course I did not like to kick up a row.

4102. I do not mean whether you were silent or not, but were the priests silent?—They were singing and rowing amongst themselves. It is all well to laugh.

4103. What were they rowing about?—It is not fit to bring such things as that out.

4104. Were names mentioned?—They mentioned Mr. Moore and Mr. Palmer.

4105. Did you mean that they were crowing for Mr. Moore and Mr. Palmer, or shouting for them, or what?—They were in favour of Mr. Moore and Mr. Palmer.

4106. Now where did the car take you to?—To Father Richard's house.

4107. Did you get anything there?—I was offered a good supper if I took it, but I did not; but I got plenty of drink.

4108. And you went to bed, I suppose?—I did.

4109. Were you sober enough to know who put you to bed?—I was.

4110. Now, who put you to bed?—A girl and a boy did.

4111. Who was the boy?—Father Richard's brother.

4112. And who was the girl?—The servant girl.

4113. Father Richard's servant girl?—Yes.

4114. Well, they were very kind to you?—They were.

4115. When you got up in the morning I suppose they offered you some breakfast?—They did.

4116. Did you take some?—I did.

4117. Did they say anything about your vote then?—Yes.

4118. What did they say?—They wished me to vote for Mr. Moore and Mr. Palmer.

4119. What did you say to that?—I said I would not go to the polling until I had my master's orders; that I would go wherever my master would order me.

4120. Did you say anything about what you had done before, and what you would do again?—Yes.

4121. What did you say?—I said that if it was a thing that my master was not against, I would like to vote for Mr. Higgins.

4122. Well, did they take you anywhere; did they take you away anywhere?—Yes.

4123. Where to?—To Swinford.

4124. Who did?—Father Richard and James.

4125. Did they go on each side?—No, one with me and one on the other side of the car.

4126. Well, now, you were a favourite with the priest this day, I am afraid; did you meet any more priests there, when you got to Swinford?—There were thousands of them there.

4127. Tell me a few of them?—I do not know them all.

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4128. Do you know Father Coughlan?—Yes, I knew him that day.

4129. Father Oliver Coyne?—Yes.

4130. Did they join your party when you got there?—They brought me up to the polling.

4131. Now, were you unwilling to go up?—No, I was not willing to go.

4132. You were not willing to go?—I was not, indeed.

4133. Now just recollect yourself; we will stop joking for a little; just recollect yourself; did you say that you were unwilling to go, did you tell them that you were unwilling to go?—I told them I was not unwilling to go, but I did not get my landlord's order yet, and that if I did go up I would vote for Colonel Higgins.

4134. Now just recollect what they said to you, the very words, as near as you can?—They said if I would not vote as they were ordering, that I would not be right when I parted this world.

4135. Tell us the exact words?—I see too much laughter, I believe, for that.

Chairman.] The laughter is not at any subject of that kind. We are rather amused at the names of the different places; but depend upon it, when you are referring to serious and solemn language uttered by the priests, the audience here will listen to it with the utmost possible respect.

4136. Mr. *O'Malley.*] Now tell us the very words that they used?—They said if I would vote for Mr. Higgins, that my soul would not be in a right spot when I would go to the other world. I need not mention any more about it.

4137. Tell us the very words; was any thing said about flames?—(*No answer.*)

Chairman.] You have told us hitherto very well, you are bound to tell us the truth, according as you were addressed by these priests.

4138. Mr. *O'Malley.*] Now tell us the very words?—They said that my soul would be in hell if I went that road, unless I went the other road, if I voted for Mr. Higgins.

4139. Did you vote?—I did.

4140. For whom?—For Mr. Moore and Mr. Palmer.

4141. Was that after you were told that about your soul being in hell if you voted for Colonel Higgins?—It was.

4142. Now to come back to the chapel; three voters, Mulcree, Drury, and Hunter, did you see anything of them afterwards?—No, we were in the car to Swinford.

4143. That is all you know?—Yes.

4144. You told us that those three went into a house, but that you did not go with them?—After mass?

4145. Yes?—Yes they did; I said that before.

4146. When did you next see them?—At the priest's house.

4147. Were they at the priest's house that evening?—Yes, they came in at some time; I do not know what time they came in at.

4148. But however, you saw them there?—Yes.

4149. Did you see them take any drink in the morning?—I did to be sure.

4150. Now the language that you spoke of saying that your soul would be in hell if you did not vote for Mr. Moore and Mr. Palmer, which priest was that?—I could not tell you that on my oath; I do not know which of them came behind and told me, spoke to me; he came on the left-hand side; I am on my oath and I must tell the truth; five or six of them spoke behind me.

4151. Of the priests?—Of the priests.

4152. Did he say that out loud or whisper it in your ear?—He said it out loud and whispered it in my ear, and the others at my back said it so (*describing*); when a man is on his oath it is necessary to be very correct.

4153. Were those names that you gave us, Coughlan, Fermer, M'Gee, and Prendergast, were those names among them?—They were.

Cross-examined by Mr. *Buchanan.*

4154. You say that the Rev. Mr. Prendergast canvassed you?—Yes.

4155. Did anybody else canvass you before the election?—No, not to my knowledge.

4156. Are

4156. Are you quite sure; just think a little; did anybody canvass you on the part of Colonel Higgins?—No.

4157. Are you sure?—No.

4158. Who is the bailiff of the estate you live on; who is the driver?—He is Mulcree.

4159. Did Mulcree speak to you before the election as to how you would vote?—He said that he did not know, but that he would get his master's orders from Swinford; he did not know which side was he to go until he got his master's orders from Swinford.

4160. Did he ask you how you would go?—Yes.

4161. Before the election?—Yes.

4162. Well now, this night that those men came to you, you say that they did nothing to you?—No.

4163. You do not know who they were?—No.

4164. You do not know whether they were men or women?—I do not, indeed; they may have been,

4165. They may have been ladies, for all you know?—Perhaps they may.

4166. And when the clergyman took you with him to his house, you say that he treated you very well?—He did.

4167. He did not abuse you on the road?—He did not.

4168. He did not say anything offensive to you at any time?—No, indeed, he did not.

4169. Now, when you came to Swinford, when you went up to the booth to poll; first, did you ever vote at any election before?—Yes.

4170. How many?—One.

4171. One election?—Yes.

4172. That is the election before?—Yes.

4173. Who did you vote for then?—Mr. Higgins.

4174. Did you vote for Mr. Moore?—I did for both of them.

4175. For Mr. Moore and Mr. Higgins?—Yes.

4176. At the election before this last?—Yes; the election before this last election.

4177. When you went up to the booth, you say that there was somebody standing behind you that spoke to you?—There was; and the house was full.

4178. And the booth was crowded?—Yes.

4179. A great number of people in it?—Yes.

4180. It was as full as it could be?—Yes.

4181. You did not look round when you were going to vote?—No.

4182. You heard somebody speak it behind you?—Yes.

4183. But you do not know who that person was?—No; it was one of the clergymen.

4184. But you did not see anybody that spoke?—The crowd was behind me.

4185. You did not see the person that spoke it?—I did; but I do not know him; he was a clergyman.

4186. It was not any of those clergymen you spoke of; it was not Mr. Coughlan?—No.

4187. Nor Mr. Coyne?—No; nor Mr. Prendergast.

4188. *Committee.*] How did you know that, if you did not look there?—I know them as good as I would know my son.

4189. You would know their voice?—I would know them any way.

4190. Mr. *Buchanan.*] You did not look back when they spoke?—I did look this way (*describing*), and I was shoved by a clergyman this way, and pushed up to the poll then.

4191. How did you vote?—I voted for Mr. Moore and Mr. Palmer.

4192. Now, when somebody whispered in your ear, did he speak in English or in Irish?—He spoke in Irish.

4193. Now, what did he say?—He said, if I would vote for Mr. Higgins ——

4194. Tell me the words in Irish; there is no harm in telling me the words in Irish. What did he say? repeat the words that he said to you in Irish?—He said, if I would vote ——

4195. I do not want you to tell me in English; tell me in Irish?—

Mr. *James* stated that the evidence which was being taken was on oath, and, as it might be used for other purposes, it was necessary to be regular.

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Mr. *Buchanan* submitted that he had a right to get the language in which the words were used.

The *Witness* gave the words used in the Irish language, Mr. Buchanan stating that the translation was quite correct, assuming the words to have been uttered.

4196. Mr. *Buchanan.*] Who is your landlord?—Mr. Robert Routledge, of Bloomfield.

4197. The townland you live on belongs to Mr. Routledge?—Yes.

4198. Are there any other voters on that townland?—Only one.

4199. Has Mr. Routledge any other voters in that neighbourhood?—He has at Swinford.

4200. How did his other tenants vote; do you know?—I do not know; when I had done, I came home.

4201. Who is the other man who lives on the townland with you?—Mulcree.

4202. Who did he vote for?—For Mr. Moore and Mr. Palmer.

4203. Did you see Mr. Routledge himself at Swinford?—No.

4204. Did you see the bailiff at Swinford?—Yes, Mulcree is his bailiff.

4205. How did Mulcree tell you to vote?—He never mentioned anything to me; I did not get his letter.

4206. Had you any talk with Mulcree in Swinford before you voted?—Yes.

4207. You had?—Yes, I asked him did he get the master's letter; he said not.

4208. Did he tell you how he was going to vote himself?—No; he never said anything of the sort to me indeed.

Re-examined by Mr. *James.*

4209. You say that at the last election you voted for Colonel Higgins and Mr. Moore?—Yes.

4210. At this election you wanted to vote for Colonel Higgins alone?—Yes.

4211. Was that your intention?—It was.

4212. Was it in consequence of what was said to you, and this statement made to you by the priests, and the manner in which you were treated, that you voted for Mr. Moore; that you split your vote?—I do not understand you.

4213. You say that you meant to vote for Colonel Higgins?—Yes.

4214. How did you vote?—I voted for Mr. Moore and Mr. Palmer.

4215. Tell the Committee why; let us have it distinctly upon the notes?—I told you that before.

4216. Do you adhere to that now, since your cross-examination, that you voted for Mr. Moore and Mr. Palmer in consequence of this interference?—Yes.

Henry Grattan Curran, Esq., called in; sworn, and Examined by Mr. *James,* as follows:

H. G. Curran, Esq.

4217. I BELIEVE you are a son of *the* Mr. Curran?—Yes.

4218. Were you a stipendiary magistrate in charge of the Swinford polling-place?—Only during the election; that is not my district.

4219. What is your district?—Stokesdown.

4220. Were you sent down by the Government at the time of this election?—I was put in charge of Swinford during the election.

4221. That is the polling-place for the two boroughs of Costello and Gallin?—So I saw, by the inscription over the booth.

4222. When did you go there?—I went there on the 26th or the 27th of March; that was the Friday week before the commencement of the election; the election commenced on a Monday, and I went the Friday week previously.

4223. Did you reside in the hotel, or where?—I resided of necessity, at the hotel.

4224. During your stay?—Yes.

4225. Somewhere about that time, the 26th or 27th of March, do you remember seeing Mr. Moore coming into the town of Swinford?—I do.

4226. By whom was he accompanied?—By some Roman-catholic clergymen, and by several persons of the lower order.

4227. Was there any, what you should call a mob with Mr. Moore?—I am loath

loath to use the term; but they were, from their tumultuous mode of entering the town, rather to be described so.

4228. How many Roman-catholic priests were with Mr. Moore. Was he in a carriage or what?—There was a carriage; but I cannot say whether Mr. Moore came into the town in that carriage or not. I saw two Roman-catholic clergymen with him, one of them was Archdeacon Coughlan.

4229. In English we may call it Coglan?—Coglan.

4230. You recognised him?—Yes.

4231. Was any other priest with Mr. Moore?—There was also a gentleman, whom I afterwards was informed was a Mr. Ivers, he was a curate of Swinford.

4232. A Roman-catholic curate?—Yes.

4233. Mr. Ivers?—Yes.

4234. Was there a carriage?—There was a carriage, but I do not know how that carriage was occupied.

4235. Was Mr. Moore walking with these priests, or was he in the carriage when you saw him?—When I met him he was walking, but whether he came into the town walking, I cannot say.

4236. Had they a band of music?—They had some instruments.

4237. I will not call it music; but they made a noise?—They made a noise.

4238. Was there any flags?—There was a flag inscribed with "tenant right," I believe.

4239. Was there a good deal of excitement created by this entry into the town?—There was.

4240. Now, did Mr. Moore, having entered the town in this way with the priests, commence to address the people?—He did.

4241. From what spot did he address the people?—From an open window; a drawing-room window.

4242. In what house?—I do not know. I think it was the house of a saddler; I think named Durcan.

4243. Where were the priests when Mr. Moore was addressing the mob from the window?—I saw each of them, and particularly Archdeacon Coughlan, in the adjoining window from that at which Mr. Moore spoke.

4244. *Committee.*] In the same house?—In the same house.

4245. Mr. *James.*] By their dress it would be known to the people that they were priests?—Oh yes, they could not be mistaken as to that, I should say.

4246. Now, Archdeacon Coughlan you observed at an adjoining window?—Yes.

4247. Did you observe any other priests during the time Mr. Moore was addressing the people?—I could not say that I could particularise any priest; but Mr. Coughlan took a peculiarly prominent position.

4248. The archdeacon?—Yes, because he several times waved his hat so as to raise the cheers of the multitude when Mr. Moore spoke; he was prominent.

4249. Did you remember any of the observations that were made; I do not want the whole of his speech; strong observations that struck you at that time?—Yes, I remember Mr. Moore saying that his antagonist dare not meet him there; and I remember him stating that he had the priests, the bishops, and the gentry with him, and that Colonel Higgins had the rogues with him.

4250. That he had the priests, the bishops, and the gentry with him?—Yes.

4251. Mr. Moore said?—Yes.

4252. And he gave Colonel Higgins very politely the rogues?—The rogues; I remember him also adding to that, that there was not a half-acre of Irish surface upon which 10,000 men could be gathered together upon which he should not be found to be lord.

4253. Mr. Moore?—Mr. Moore.

4254. A half-acre of Irish surface upon which 10,000 people could be gathered together on which he, Mr. Moore, would not be lord?—Would not be found to be lord.

4255. Well, now, did the archdeacon speak, did you observe?—I do not know what took place after that; the fact of it is, I retired when I had heard that.

4256. *Committee.*] Are you a Roman Catholic?—No, I am not.

4257. Mr. *James.*] How long did this speech and addressing the people at the side of the priests go on?—I should say that it lasted probably an hour and a half.

4258. At what time did it begin?—It began somewhere, I think, about three or four o'clock, as near as I can recollect.

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4259. Now, in the evening did you observe after this meeting, that considerable excitement had arisen in the town; had the town become excited?—I saw rather strenuous efforts to promote excitement.

4260. On whose part?—I should say on Mr. Moore's part.

4261. To promote excitement in the town?—To create it.

4262. Now, after that did it go on to that extent that you thought it proper to call out the military and police force in the town?—I did not call out the police on that occasion. What occurred was this: there was a collision got up between two parties opposite the hotel, and I went down between them to separate them. I found that there were some police, apparently by accident, collected there, and with their assistance I got the parties asunder. Mr. Moore then took a direction up the street towards the court, and I followed for the purpose of remonstrating with him.

4263. You followed for the purpose of remonstrating with Mr. Moore?—I did.

4264. Did you speak to Mr. Moore?—When it had been signified to Mr. Moore who I was, and in what capacity I was there by the police officer, I did then remonstrate with him.

4265. What did you say to Mr. Moore?—I said that I thought it an improper thing that he should attempt to provoke a collision between two parties; that that could not forward his purposes; and that being in charge of the peace of the town, I must prevent it.

4266. What did Mr. Moore say to you?—A person who stood at Mr. Moore's right hand was the first who answered; and he said, "I suppose, sir, one mob has a right to do what another mob has a right to do?"

4267. *Committee.*] Who was that?—I think, as well as I remember, I noted the man afterwards, he was a man named Jerdan or Jordan. I will come to that. Some person, afterwards, I should rather say he was the man, I did not take very particular note of him, for Mr. Moore engaged my attention at that moment.

4268. Mr. *James.*] This man spoke; what did Mr. Moore say? Do you remember?—Mr. Moore replied that Her Majesty's subjects had a right to shout and to make a noise. I did not care to controvert that position, but I said, "But they are bound to keep the peace, and it is my duty and my determination here to protect everybody."

4269. Now, at the time that you were speaking and expostulating with Mr. Moore, had he a priest near him?—He had two priests beside him. He had the archdeacon, of whom I have already spoken, and Mr. Ivers, whom I have already named.

4270. Now, did you observe either of the priests do anything?—Archdeacon Coughlan first addressed me, and he said I had not used such language a few minutes before on the steps of the hotel where I had seen rather a disagreeable encounter between him and one who professed to be one of his flock.

4271. The priests had a quarrel?—I mean one of his own cloth; a gentleman who professed himself to be a Roman-catholic, but who certainly used very harsh terms to the archdeacon. You were asking me whether I witnessed anything. At the moment a number of persons who were standing round pushed forward, apparently for the purpose of hearing what was passing between me and Mr. Moore; whereupon this Mr. Ivers turned upon them, and he flogged them in such a fashion as I never saw men flogged before.

4272. Was this the curate of the town?—The curate of the town. I afterwards ascertained his name. He struck and hit about the head and shoulder with a heavy cane as heavy as this (*exhibiting a cane*), and with the utmost possible violence.

4273. *Committee.*] You say that this priest served the people in this way?—Yes; he flogged them, I should say cruelly.

4274. Did they stand it?—They simply retired, and threw up their hands to feint off the blows, and crouched.

4275. Mr. *James.*] This is the Catholic curate of the town of Swinford?—This, I understand, is one of the Catholic curates of the town, Mr. Ivers.

4276. Did Mr. Moore see that? Was it in his presence?—In his presence. I looked at him to try whether he would take any notice of it; he did not. I looked at him to ascertain whether he would interpose.

4277. Now,

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4277. Now, during that night, and after this scene of the priest beating these people and so on, was the excitement very considerable?—The excitement then appeared so great that I deemed it necessary for the preservation of the peace to call out a body of dragoons that were placed under my orders there, and I had them to patrol the streets.

4278. Had you a body of dragoons placed under your orders?—I had five, and 30 of the 1st Royals, together with a body of infantry.

4279. *Committee.*] Were you in the same position as a magistrate with a deputation?—I do not think there is anything essentially different in our position. I was charged by the Government to go down. Other gentlemen take deputations from the sheriff; but I look upon that as only undertaking to do duties of a magisterial kind.

4280. Mr. *James.*] When the priest beat the people in this way, they made no resistance; no retaliation rather?—No.

4281. Who were the people whom the priests struck? Do you know? Did you ascertain?—I could not at all ascertain; I did not endeavour to ascertain. I do not mean to say I made the least endeavour, because I felt myself from my arrival there precluded from asking any questions with regard to parties. I never asked about the interests one way or the other, or what constituted them.

4282. Mr. Moore is a magistrate, is he not?—He is a magistrate, I understand.

4283. Did you feel it right to commit some men who created disturbances?—I did. An information was sworn before me, and there were two men who were committed; they were Thomsons, I think.

4284. For violence?—For violence.

4285. When was it that you committed them upon those informations?—I think that was on the 31st of March.

4286. Before the following day?—Yes.

4287. During the time you were there?—Yes.

4288. During the time of the election?—Yes.

4289. Were they liberated by Mr. Moore?—They were.

4290. In his character of magistrate?—In his character of magistrate, of course.

4291. Mr. *M. Smith.*] Were you present when they were liberated?—No; but I saw them afterwards, and I was immediately informed. I am aware of the fact.

4292. You were not present?—I was not present when Mr. Moore liberated them; but the question was whether they were liberated.

4293. By Mr. Moore?—By Mr. Moore.

4294. You not being present?—The latter part I have from information, for I was not present.

4295. Mr. *James.*] You committed some people for violence and disturbance?—Yes.

4296. How shortly after you had committed those men did you see them at large?—I think on the same evening.

4297. Was there any other magistrate acting in that town at that time to your knowledge?—There were other magistrates in the town, but I am not aware of any magisterial act having been performed by any magistrate, except the escort of voters.

4298. Was Mr. Moore in the town at the time?—Except by report, I cannot say, because I did not see him.

4299. However, the men whom you committed, you afterwards found liberated?—I did; and trying to instigate riot again.

4300. The same men?—The same men.

4301. *Committee.*] Did you make any inquiry as to how those men became liberated after you, as a magistrate, had committed them?—No, I thought I was precluded from doing so.

4302-3. When a magistrate is sent down, as you were, in charge of a town in Ireland, does your authority supersede for that time the power of the magistrate of the district?—I should say certainly not.

4304. But at the same time, a man whom you had committed for an assault, ought not to be liberated by another magistrate without some notice of it taken between that magistrate and you?—That is generally looked upon to be the

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proper course that no magistrate will discharge persons committed by another magistrate without special communication with him.

4305. Not as letter of law, but as a matter of policy?—I cannot say it is letter of law, though it is laid down by text writers that magistrates ought, at all times, to avoid collision.

4306. Did you commit these men for riot?—My purpose, I think, was to try them at petty sessions. I think I committed them to petty sessions.

4307. Mr. *James.*] Informations were laid before you of riot and disturbance of the peace against these two particular men?—Yes.

4308. And acting upon the evidence laid before you, did you think it right to commit them?—I deemed it right to commit them.

4309. Were those two men liberated without any communication from any magistrate with you?—They were.

4310. Is that usual in Ireland?—Oh! dear, no; I never heard of an instance of that. I have been acting with all the magistrates of my county for six years, and I have not heard of anything of the sort.

4311. Did you see those men afterwards in this mob?—I did, one of them; one of them I recognised.

4312. When did you leave Swinford? How long did you remain there?—I remained only till the morning after the election. The polling was on the Monday and Tuesday, and I left on the Wednesday.

4313. Did Mr. Moore come to Swinford again during the election after he had made his appearance upon this occasion, do you remember? Did you see him again?—I do not think he came into Swinford during my stay there, except the once.

4314. Except that once?—Yes.

Cross-examined by Mr. *M. Smith.*

4315. Who sent you down to Mayo?—The Government.

4316. The Government?—The Government order.

4317. Stipendiary magistrates are appointed by the Government, are they not?—They are appointed by the Lord Lieutenant.

4318. The Irish Government?—Yes.

4319. You have spoken about a number of people; did you ever see a mob at an Irish election before?—Several times. I have hardly ever seen an election that was not attended by a mob.

4320. And I suppose that Her Majesty's Irish subjects exercise the privilege of shouting and making a noise upon those occasions?—Sometimes rather inconveniently to the listeners.

4321. I believe that an Irish mob is a particularly demonstrative mob?—I have never seen an English mob, so that I cannot institute a comparison.

4322. I will not take it comparatively but positively. They are rather a noisy mob?—Loud in the abstract.

4323. And in the concrete also?—And in the concrete.

4324. I suppose you have heard as much noise, and seen as much excitement in other mobs at elections?—I think I have seen excitement probably carried as high or higher.

4325. And very usually so?—Yes; we are an exciteable people.

4326. It is hardly fair to judge of you by the cold English standard; the appearance of military at an Irish election is by no means an unusual circumstance?—It appears not to have been so recently; but I have not been much engaged in contested elections, but I believe it is a usual thing. I mean as a provision to protect the peace.

4327. It is a very common thing for the Government to make arrangements in Ireland for the military to go down to the different places where the elections are going on?—I believe that to be the practice.

4328. You say that there were some military here; 35 of the 1st Royals here. Who was in command of them? Was it Colonel Craig?—No, Colonel Clarke, and Lieutenant Fermer.

4329. Do you know whether Colonel Craig was there at all?—No; there was no higher officer in command of the dragoons. They were under the command of Major Gloucester, who was of the 38th Infantry. He took charge as the senior officer.

4330. The

4330. The band had music and flags?—I said that Mr. Moore had a band; I said nothing about the band having music.

4331. Music and flags, that is a common occurrence, I suppose, at elections?—I do not know that I have seen bands or musical instruments at any previous elections; I have seen banners.

4332. You do not attribute the tumult to the musical instruments?—No.

4333. There is no harm in that?—I did not ascribe any to it.

4334. There is no great harm in addressing the people from a window; that is a very common thing, is it not?—That is usual.

4335. Did you ever see a Protestant clergyman at an adjoining window, when a gentleman was addressing the electors?—No.

4336. You have seen Protestant clergymen at the elections at the hustings?—I should go further than saying I do not recollect it, because I should certainly recollect it had I seen it.

4337. Did you see Mr. Eames, the Protestant clergyman, at all?—I was introduced to Mr. Eames in the town.

4338. Do you know whether Mr. Eames was at Colonel Higgins's committee-room?—I have seen him in the hotel.

4339. Where the committee-room was?—I cannot say that it was precisely a committee-room, because it was the ordinary room for the entertainment of all travellers. The officer, for instance, in command of the troops, himself was obliged to be there and associate with Colonel Higgins's friends.

4340. And you were yourself living in that hotel, were you?—Yes.

4341. You have given Mr. Moore's speech, I suppose; the extracts are those which struck you to be the strongest?—I cannot say that I waited any longer to institute comparison between those and what were to follow.

4342. Those are the strongest you can give us?—I rather think I have given you almost all I had heard, for I retired after that.

4343. Rubbish is generally shot out of window on those occasions. Now about the excitement; the greatest excitement seems to have been on the part of Mr. Ivers, who used this stick?—At least, it was the most conspicuous violence that I saw.

4344. That was in your presence as a magistrate?—Yes.

4345. Did you think it necessary to apprehend him?—I reflected for a moment whether it was my duty to do so.

4346. And you came to the conclusion that it was not?—I literally came to no conclusion. I found the position an extremely difficult one.

4347. You were, therefore, for the moment, a magistrate without a conclusion?—I did not want to exasperate the public that I saw around me.

4348. But the people seem to have taken it very quietly, as far as I gather from you?—They did.

4349. Were they some of Mr. Ivers' own friends?—I should hardly call them friends.

4350. But who were they?—I really cannot say; I have already endeavoured to explain why it was. I was unable to discriminate between two parties, because I thought it improper to ask questions.

4351. I think you say that they were pressing upon you?—These persons seemed to have been drawn towards us from motives of curiosity, and when they came within a short distance, this gentleman detached himself and advanced further from Mr. Moore, so as to be distinctly under his gaze, and dealt a shower of blows on these curious people.

4352. They do not seem to have returned the blows?—They did not.

4353. I suppose when the stick was laid about as you say upon these curious people, they retired a little farther off?—They merely fell back towards the houses.

4354. Well, that is the violence; I think you say that Mr. Moore told the people that Her Majesty's subjects had the privilege to shout and make a noise?—Yes.

4355. Did Mr. Moore at the same time say that they must keep the peace?—He afterwards called out to his followers, and said "Come on, come on; shout, and make a noise;" but somebody near told me that he added, "but do not strike." I did not hear that.

4356. Hard words break no bones, and I suppose you have heard a good many hard and loud words in Ireland?—Well, I have.

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4357. Well, now, you say you committed two men; do you happen to know their names?—Thompson, I believe, was their name.

4358. Where is the commitment?—That remained in the hands of the clerk of the petty sessions, I presume.

4359. That would tell us exactly what you committed them for?—As I remember, now, it was for riot and assault; I did not charge my memory with it, because I did not dream of this.

4360. I want to know that; you say "To the best of your memory;" can you undertake to say that it was for that?—Whether it was for an assault, or whether it was for riot and assault, I cannot undertake now to say, for the reason I specify.

4361. That is exactly why I ask you whether your memory is sufficiently good?—Oh, dear no; I never dreamed of this.

4362. Does your memory serve you to enable you to say for how long a time you committed them?—I think I committed them for trial at the petty sessions, which were to follow in a very few days.

4363. Is that again your impression only, or is it your memory upon it?—I think I may speak quite positive upon that, because the parties were afterwards brought up to petty sessions; that must have been the result of the commitment.

4364. I should like to know where the commitment would be found; where is the place where it would be?—I cannot say; but it might be found with the bridewell keeper, because it was his authority to detain the parties who were committed to him. The bridewell keeper in Swinford; it is his authority for their detention.

4365. But is it usual for one magistrate to bail men who have been committed by another magistrate?—Not unless it is endorsed with the consent for bail; that is our habit.

4366. Is it a matter of common occurrence for one magistrate to bail a man who has been committed by another magistrate?—I never heard of it except in this instance; it is a thing I should not do.

4367. I think you say you know that they appeared at the sessions?—They did.

4368. Mr. *James.*] That must really have been upon the same information?—Yes; I was at the petty sessions.

4369. *Committee.*] Were the men then brought up?—They were; and the trial was postponed by application upon one side or the other, and I thought it right to assent to it.

4370. Are you still stationed in that town?—Oh no; I returned the next day after the polling to my own station; my station is at Stokestown, in the county of Roscommon.

4371. Mr. *M. Smith.*] Do you usually sit at those petty sessions?—No, I never before sat there. I had never been in Mayo before; I was a perfect stranger there.

4372. How long were the sessions after the election?—Oh, they preceded the election. I left the town the day after the election; a few days intervened. This matter occurred before the election.

4373. Did you see a person of the name of Cavanagh when you were there, a voter of Colonel Higgins's, an agent?—I might have seen him, but I do not recognise him by that name; but I had no communication with any such name. I beg pardon, Cavanagh?

4374. Yes; was a complaint made to you of one of Colonel Higgins's agents being armed with pistols?—That is just what brings back the name of Cavanagh to my mind.

4375. That was Cavanagh?—That was, I believe, a man named Cavanagh.

4376. *Committee*] Was it a complaint made?—There was a complaint made that a man had been fired at in a house in the town.

4377. Mr. *M. Smith.*] By Cavanagh?—Cavanagh, I think, was the name; I had totally forgotten it until you have mentioned the name now.

4378. Was that Cavanagh an agent of Colonel Higgins's?—I have not the least notion.

4379. Did you find it necessary to take the pistols from him?—No.

4380. Did you have the man brought before you?—No.

4381. Complaint

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4381. Complaint was made to you?—There was an information made before me by a party who stated that he had been fired at by Cavanagh.

4382. Who was the party who laid the information?—I do not know who the informant was, but he was attended by a person who, I think, was named Jordan.

4383. Was the man had before you at all?—I went to the place where the man was.

4384. Did you see him?—I did.

4385. He was not brought before you?—No, he was not brought before me. When I say that, I mean that technically he was not brought before me. I went to the house. The circumstances did not authorise me to have him brought before me.

4386. Did you then go, in consequence of a complaint, to where the man was?—I did; because I felt that the complaint was false.

4387. That is the reason?—That is the reason; I felt that the complaint was false.

4388. Why did you feel that?—From the whole course of the man, when he came before me.

4389. But I thought you said, you went to him because you felt the complaint was false?—Well, if you will allow me to tell you the circumstance, it may save time.

4390. I want now to get at the history, simply by asking you if the man was not brought before you, or whether you went to the man?—I went to the house where the man alleged that he had been fired at, because the man who came to make the complaint equivocated very much, and stated to me, that he had been fired at across a table in the drawing-room; I asked him where he stood, and he described it to me. I asked him whether he had found the trace of a ball in the wall or door behind where he stood; he said he had not. He then asked me to take down "that this Cavanagh had called for liquor and desired it to be charged to the account of Colonel Higgins." My suspicions were strongly excited by this, and I said, "Go on to your story;" and I was passing on to that. The person, whom I believe to be a man named Jordan, said "You must take down that." I said, "Don't you affect any direction here; I will take down what I think necessary." He then gave me a considerable portion of the information which I took down in writing, but he equivocated so much that I said, the better way for me, is to go up to this place and examine the place myself; and I did so, attended by the constabulary officer; and I went into the room, and I there saw, for the first time, the man whom you call Cavanagh, and I asked him whether he was armed; and he said he was, and he produced a pair of pistols.

4391. *Committee.*] Do your powers as a stipendiary magistrate, sent down by the Government, supersede all the power of the resident magistrate?—I should say, no.

4392. Were there no resident magistrates in this town or near it, where the petty sessions were held?—There were magistrates in the neighbourhood, but they were otherwise employed. I got a note from Colonel Keogh, the nearest resident, and the general attendant at the sessions, requesting that if a second magistrate did not come into the town on the sessions day, I would adjourn the sessions. I went into the court the second day, and found a gentleman sitting.

4393. It seems strange that they should take a prisoner before a strange magistrate, instead of before the resident magistrate?—The general rule is to bring them before the nearest magistrate, and it was done in this case.

4394. Mr. *M. Smith.*] I asked you whether you had taken the pistols from the man, and I understood you to say no?—No.

4395. Did you get two pistols from the man?—No, he produced two pistols.

4396. And you took them?—No; I thought I had no right to disarm him, because I had satisfactory refutation of the charge preferred from several sources in that house, and because eventually the plaintiff himself was obliged to confess that he was not fired at, and that he was not in the room when any shot was fired. First he said he was in the kitchen when the pistol went off, and then he afterwards said he was in the street, and, of course, I then did not take the man's arms from him; everybody having said that there was no shot fired. He said he had the pistols for his own protection.

4397. And which you left with him?—Yes; he appeared to be a respectable man, and I saw no reason whatever to disarm him.

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Re-examined by Mr. *James*.

4398. As far as you made the investigation, did you arrive at the conclusion that this was a fabricated charge?—Yes.

4399. A false charge made against Cavanagh, who was stated to be an agent of Colonel Higgins?—Some information was given to me that he was a marked man; and he was going home, and he offered me the pistols.

4400. But this charge was a fabricated charge?—Purely so.

4401. You say that the man equivocated about it?—Yes.

4402. So much so, that you thought it right to go to the spot in discharge of your duty?—Yes.

4403. Was it information on oath?—Yes.

4404. You found the whole thing to be false?—Totally false.

4405. Now something was said about this man Jordan, about taking down the evidence of treating, and that you refused?—Yes.

4406. Was that suggested by Jordan?—That was suggested by the man whom I believe to be Jordan, and pressed by him. I thought his tone was unsuitable in addressing a magistrate.

4407. You had no duty to perform here but your duty to the Crown?—Of course not; I did not recognise any other.

4408. Have you seen this man Jordan in this room during the investigation; the man who made this charge?—I have seen the man that I believe to be the same, in the lobby.

4409. You were there in the discharge of your duty to the Crown?—Yes.

4410. Now, you have been asked about Irish riots and Irish elections, is it consistent with your observation to know that priests in a town have a good deal of influence over the lower classes of people?—Yes, I should say they have.

4411. Have you ever seen priests before attack people in the presence of a candidate?—I never saw anything of that sort before.

4412. Did Mr. Moore do anything or interfere to prevent it?—No, he gave no note that he perceived it.

4413. How near was he standing when the priest was striking the people?—As close as these two tables here.

4414. Had the people done anything to the priest that you had observed?—No, not a word that I had observed; they had not uttered a syllable. I do not know whether it is necessary to say, lest there may be an ambiguity, in an answer which I gave to a question just now.

4415. What was it?—You asked me whether I had brought out the military and police. Upon the first occasion I merely brought out a military patrol, which I thought most effective, but subsequently I brought out both military and police, and at the end of the polling, too. I say that lest there should be any ambiguity in the answer which I gave.

Mr. *John M'Laughlin* called in; sworn, and Examined by Mr. *Edwin James*, as follows:

Mr. *J. M'Laughlin.*

4416. ARE you a farmer residing at Kilmena?—Yes.

4417. Do you attend the chapel of Kilmena?—I do.

4418. Castlebar?—Yes.

4419. You are a Roman-catholic?—Yes.

4420. Is the Rev. Luke Ryan the parish priest?—No, he is the Roman-catholic administrator. It is the bishop's parish; he is the Roman-catholic administrator.

4421. Do you remember being at worship there; attending the chapel there on Sunday the 15th March?—Yes.

4422. Who officiated as priest?—The Rev. Luke Ryan.

4423. Now, in the course of the service at the altar, did he say anything about the election?—He said he had attended one meeting, when prayers had perfectly concluded; and that he was in a hurry, going to attend another meeting; it had already cost him 3*l.* to defeat the return of the traitor, Higgins.

4424. Where was this addressed?—He was standing at the altar; it was addressed to the people; addressed to the congregation.

4425. Were you at mass, at worship, on the 22d?—Yes.

4426. The next Sunday?—Yes.

4427. At

4427. At the same chapel?—Yes.

4428. Did the same priest, Ryan, officiate?—He did.

4429. Now, did you observe him from the altar read a printed list; the portion of a register?—He did.

4430. A portion of the register of freeholders?—He read the entire list of every freeholder that was in his parish.

4431. He read the entire list of every freeholder in his parish from the altar?—From the altar.

4432. Was that after the close of your prayers; mass?—Yes.

4433. Did he say where he had got it from, do you remember?—No, he did not; but I recognised it out of the Clerk of the Peace's office.

4434. You recognised it as the register from the Clerk of the Peace's office?—Yes.

4435. Now, after he had read that, what did he say to the congregation?—He commented upon every name.

4436. That is the name of every freeholder in this district?—Yes; he called traitor, blackleg, blacksheep, and other names to any likely to vote for Colonel Higgins.

4437. As he read the names out?—As he read the names out.

4438. Well, now, after he had read the names, appending some commentary, as you say to every name of those voters whom he thought would vote for Colonel Higgins, did he say anything about Colonel Higgins?—He said that Colonel Higgins had sold them and sold the country, and pointing from the altar to the body of the chapel, he said if the devil came up there he would vote for him in preference to Colonel Higgins.

4439. Pointing from the altar to the centre of the church, that is the aisle?—Yes.

4440. He said if the devil came up there, he would sooner vote for him than for Colonel Higgins?—Yes.

4441. Was this said when he was standing at the altar?—Yes.

4442. With his robes on?—Yes; and all the congregation listening to him, and his robes on. He struck the altar at the time; he turned round to the altar and struck it with his hand to add emphasis to the expression.

4443. *Committee.*] You are a Roman-catholic yourself, I suppose?—Yes.

4444. Mr. *James.*] You say that he read from a register the names; I find that there are in that district 169 voters; how many names should you say he read out from the altar, denouncing these names?—I believe he read the entire list, with the exception of a few names, four or five.

4445. There are 169 freeholders in the district, you say he read nearly 169 names, with the exception of four or five?—Yes; but there is a portion of that list, perhaps, not in his parish, but so much as were in his parish.

4446. Did he read as many as a hundred names?—Yes.

4447. *Committee.*] Did he make any remark upon those names he thought would vote for Colonel Higgins?—He made this distinction: those who would vote right, and those who would vote the other way; "That man always voted right," and so on.

4448. Mr. *James.*] And when he came to one of Colonel Higgins's voters he was denounced from the altar with these names?—Clearly.

4449. I will ask you, as a Roman-catholic of some position and education, did you perceive that that had an effect upon the congregation?

Mr. *Montague Smith* objected to the question, and submitted that any act which the congregation did, the witness was at liberty to describe, but not the effect which he supposed had been produced upon them.

Mr. *James* submitted that the question was a perfectly legitimate one.

The *Chairman* stated that the Committee were of opinion that there was no objection to the question.

4450. Mr. *James.*] Now, did you observe whether any effect was produced upon the congregation from these statements from the altar?—A very serious effect.

4451. Explain it to the Committee?—I believe that ——

Chairman.] Do not tell us what you believe, but what you saw.

4452. Mr. *James.*] I will put the same question again. Of course a witness is entitled to answer it in the way in which it strikes his mind. (*To the Witness.*)

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Did you observe any effect upon the congregation upon these statements from the altar by the priest?—I did.

4453. What did you observe?—Many parties of the congregation, not voters, spoke of it afterwards, and said it was wrong to go against the priests, and it was calculated to have an effect, and intended to have an effect, upon the voters. I know one of them spoke to myself.

The witness, on the application of Mr. *M. Smith* was directed to withdraw.

Mr. *M. Smith* submitted, that statements made to the witness by persons, not voters, after they left the chapel was not admissible in evidence.

Mr. *James* was heard in support of his right to put the question.

Mr. *M. Smith* replied.

The *Committee* deliberated.

The *Chairman* stated that the Committee were unanimously of opinion that what the witness was referring to was part of the same transaction, and that, therefore, the evidence as to what the witness heard on coming out of church was admissible.

The Witness was again called in.

4454. Mr. *James.*] These observations you say were addressed from the altar after the mass to the congregation?—Yes.

4455. I presume that in the congregation nobody interrupted the priest?—None whatever.

4456. Now, how soon afterwards did you hear anything said after these denunciations from the altar?—The following day.

4457. Did you hear anything said by the congregation when they left the church?—No.

4458. Now, without telling us what you heard, was what you heard from persons who had been present and heard those denunciations?—Yes.

4459. People you knew to be there?—Yes.

4460. Did you during that day, that is, did you during the Sunday hear any statements made by the congregation and people who had been present and heard these denunciations from the altar?—Not on that day.

[Adjourned till to-morrow at Eleven o'Clock.

Mercurii, 1° *die Julii*, 1857.

THE Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Mr. *John M'Laughlin* was again called in; and further Examined by Mr. *Hale*, as follows:

Mr. *J. M'Laughlin.*

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4461. WHEN we left off yesterday evening, I think the last evidence you had given was about Sunday, the 22d?—Yes.

4462. The occasion of the priest reading the names of the voters to the congregation?—Yes.

4463. On the following Sunday, the 29th, were you at the same chapel; were you at mass?—Yes; there is another circumstance of Sunday, the 22d.

4464. State it, if you please?—The Rev. Luke Ryan stated to the congregation that "the little baronet," or words to that effect, "was out upon his canvass."

4465. Did he name the little baronet?—No; but if it is right for me to explain what I understood by it——

4466. By the *Committee.*] Who was the man who said this?—The Reverend Luke Ryan.

4467. Mr. *Hale.*] Who is the little baronet?—Sir Richard O'Donnell.

4468. He was out on his canvass; well, anything else?—He desired the parishioners and the freeholders to hunt the dogs on him.

4469. By the *Committee.*] Does Sir Richard live in that neighbourhood?—He does.

4470. Mr. *Hale.*] Well?—To slap the doors in his face.

4471. By the *Committee.*] That is the "doors" of the houses which he went to?—Yes; but he would not tell them to scald him; scald with boiling water, I mean.

4472. Mr. *Hale.*] Are you acquainted with Sir Richard O'Donnell?—Yes.

4473. Where does he live?—In Newport.

4474. Is he a gentleman of property there?—Yes.

4475. Of considerable property?—Considerable property.

4476. Is that all that occurred on the 22d, to your knowledge?—Yes.

4477. Now go to the following Sunday, the 29th; were you at the mass at the same chapel on that day?—Yes.

4478. Who officiated on that day?—The Reverend Luke Ryan.

4479. Did you hear him say anything at the altar upon that day?—He said the curse of God would come down upon any voting against his country and his country's cause, and voting for Colonel Higgins was doing so.

4480. Did he say anything else?—He said that if they were dying, he would not give the rites of the Church to any voting for Colonel Higgins.

4481. What are the rites of the Church?—Absolution.

4482. By the *Committee.*] Was this said in English?—In English.

4483. Mr. *Hale.*] Did he say anything else?—He would not give them confession.

4484. One of the rites of the Church over dying persons I believe is extreme unction as well?—Yes.

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4485. Would not give them confession?—No, nor the sacraments; they should go to the bishop; he said it was the bishop's own parish, and the bishop himself expected the men of Kilmena would do their duty.

4486. By the *Committee.*] What is the name of the bishop?—Doctor M'Hale; Bishop M'Hale we usually speak of him, but he is the Archbishop of Tuam; the bishop the priests generally designate him.

4487. Mr. *Hale.*] After he had told them that the archbishop or the bishop expected them to do their duty, what else did he say?—He desired the congregation and the parish generally to keep their eyes upon the freeholders.

4488. Did he say he would do anything to them?—He desired them to watch them; to keep their eyes upon the black sheep.

4489. Did he say he, Father Ryan, would do anything to them?—He said he would brand them; he would mark them for life.

4490. Did the word shave occur?—Yes.

4491. What did he say?—He said he would shave them.

4492. Did he say anything more about that?—And in the shaving he said he would take off part of the skin

4493. Yes; go on?—He made use of this, that the water he would use would be a certain liquid got under the beds; he would use that in the process of shaving.

4494. Was there a large congregation this day?—Yes, the usual congregation; the chapel nearly full, and some respectable females in the chapel.

4495. Did he promise any further treatment to anybody who voted for Colonel Higgins?—He desired the congregation to keep their eyes upon the black sheep; that at an election just over he said the freeholders were tied; the parish tied the freeholders; that was at an election just over.

4496. Did he say at what place?—He did not mention it, but I understood that was Tipperary.

4497. By the *Committee.*] Not referring to this county?—No, to another election just over.

4498. Do you mean tied them up to prevent their going?—To prevent their going.

4499. Mr. *Hale.*] Did he say anything more upon this Sunday, the 29th of March?—He said that he would have a separate place in the chapel for those who would vote for Colonel Higgins, and that the congregation should not speak to them.

4500. By the *Committee.*] He meant out of chapel, of course?—I infer it was either in or out of chapel; at any time, or out of chapel, I should say of course.

4501. It is not usual to speak in chapel to each other?—No, certainly not—of course out of chapel—it is not usual.

4502. Mr. *Hale.*] With reference to what had been said, did the congregation say anything in the chapel; was there any reply made in the chapel?—No.

4503. Was anything said in your hearing as they were coming out of chapel on Sunday immediately afterwards, on coming out?—I did not hear anything.

4504. That was the conclusion of that Sunday, as I understand?—Yes.

4505. Were you present on the following Sunday, April the 5th?—Yes.

4506. Was that the Sunday before the polling?—Yes.

4507. Who officiated then?—The Rev. Luke Ryan.

4508. Did he say anything from the altar on that occasion?—Yes, he spoke of the freeholders.

4509. What freeholders?—The freeholders about to vote; that was the Sunday previous to the day of polling; he spoke of the freeholders about to vote for Colonel Higgins being in Newport. He asked if the Derby priest gave them mass.

4510. By the *Committee.*] What do you mean by the Derby priest?—In reference to Sir Richard O'Donnell,

4511. Is Sir Richard a Roman Catholic?—No, he is a Protestant.

4512. What do you mean then with reference to him; is the word Derby priest familiar to you?—Sir Richard had removed the freeholders to Newport.

4513. Mr. *Hale.*] Are you aware that there is a sect in Ireland called the Derbyites?—Yes.

4514. Did

4514. Did he ask them anything more about this Derby priest?—If they got holy water.

4515. Anything else?—He called upon the wives and daughters to go down to Newport, and to bring the freeholders back; after that he told the boys to accompany him to Newport; he was about having a public meeting there.

4516. When was he going to do that?—On the same Sunday.

4517. At once; immediately?—Yes; he said he would only delay while he was having a cup of tea or coffee.

4518. By the *Committee.*] He was going to hold a meeting there at once?—Yes; and he desired they should be with him.

4519. Mr. *Hale.*] Where were you during the polling?—I was in Westport upon the first day, and I was in Castlebar the second.

4520. Did those people go away with the priest from the chapel?—They did.

4521. How far is it to Newport?—Three miles.

4522. Did they take the Newport road?—Yes.

4523. By the *Committee.*] How many went with him?—A very large number; I should say between 100 and 200.

4524. Mr. *Hale.*] You say you were in Westport during the first day of the polling?—Yes.

4525. You did not hear the priest say anything more upon that Sunday, of which you have been speaking?—No.

4526. Did you see Mr. Ryan upon the Monday, anywhere?—No, not on Monday.

4527. Did you see him on the Tuesday, anywhere?—I did.

4528. Where?—In Castlebar.

4529. Was that during the polling in Castlebar?—Yes.

4530. Where did you see him in Castlebar?—I saw him standing at the court-house upon one occasion, as some number of Colonel Higgins's freeholders were coming in.

4531. By the *Committee.*] Into the court-house?—Into the court-house; he shook his hand at them, and called them traitors.

4532. Mr. *Hale.*] Did you see him anywhere afterwards?—I saw him going through the town.

4533. Alone?—At one time alone; I saw him several times during that day; at one time alone, and again with other clergymen; he appeared to be busily engaged in the election business; standing at the committee-room again.

4534. What committee-room?—One of the committee-rooms; I think it was Captain Palmer's committee-room; it was Captain Palmer's committee-room.

4535. By the *Committee.*] Did he address these people?—He shook his hand; they were some of his parishioners; he shook his hand as they were coming in to vote.

4536. At which committee-room?—Captain Palmer's.

4537. And called them traitors?—And called them traitors.

4538. Was that a separate committee-room from Mr. Moore's?—Yes.

4539. A separate committee-room?—Yes. I believe there was a joint committee-room and a separate committee-room. I am not positive.

4540. Mr. *Karslake.*] Do you know of your own knowledge that that was so?—I am not certain.

4541. Mr. *Hale.*] On the Sunday after the election did you again attend mass?—Yes.

4542. That was Easter Sunday?—Yes.

4543. At Kilmena?—Yes.

4544. Who officiated there?—The Reverend Luke Ryan.

4545. Did he say anything then?—He desired those black sheep not to dare to give him any Easter dues.

4546. Did he say why?—No; for having voted for Colonel Higgins.

4547. Mr. *Karslake.*] Did he say so?—Yes.

4548. Mr. *Hale.*] He would not take any Easter dues from those who had voted for Colonel Higgins?—Yes; he called them traitors.

4549. On the following Sunday did you hear any further address from this gentleman; upon the 19th; from Mr. Ryan?—He read the list of stations about being held.

4550. Stations for confession, I believe?—For confession; he came to the name

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name of a man named Pat Brown; he said he should not go to the man's house.

4551. Did he say why?—He had voted for Colonel Higgins, and he had been a traitor.

4552. Did he mention anybody else; did he call upon anybody else?—No; a man of the name of Patrick M'Hay was obliged to leave his usual place in the gallery.

4553. What had occurred to make him do that?—He came down; he knelt in the body of the chapel; he was obliged to kneel in the body of the chapel.

4554. Did that proceed from anything that was said?—The clergyman, I understood, called upon him.

4555. Mr. *Karslake.*] Never mind what you understood.

4556. Mr. *Hale.*] Did you hear it?—No.

4557. Mr. *Karslake.*] You heard nothing about it?—No.

4558. Mr. *Hale.*] Did you attend mass on Sunday, June the 14th?—Yes.

4559. Did Father Luke Ryan officiate then?—He did.

4560. Did he say anything more upon the same subject?—He said there were three spies or jackdaws constantly watching him and taking down everything he said in the chapel; that some of them had been served with a Speaker's warrant, or about being so, and going forward to give evidence against him.

4561. Against him?—Yes; he cautioned them against committing perjury; that he himself would prosecute them for perjury; that any person going such a distance would not stop at an oath.

4562. By the *Committee.*] What did he mean by that?—Those were his words as nearly as I can recollect.

4563. Mr. *Hale.*] Anything else?—That he was completely out of their power; he had said nothing of any consequence before the election, though he might have spoken after the election.

4564. Yes; go on?—That he would be telegraphed if anything should occur, and be over to confront them.

4565. He said that he did not say anything before the election of consequence?—Yes.

4566. I think you say the first day you attended was the 15th of March—Sunday?—Yes.

4567. And the last Sunday before the polling was the 5th of April?—Yes.

4568. You were present each Sunday?—Yes.

Cross examined by Mr. *Karslake.*

4569. I understand the first Sunday you have spoken to was the Sunday, the 15th of March?—Yes.

4570. May I take it that every Sunday since, from the 15th of March till the time you left there to come here, you have been at that chapel?—Yes.

4571. Had you any communication with anybody to induce you to go to that chapel every Sunday?—None whatever.

4572. Nor to pay particular attention to what the priest said?—None.

4573. Do you rent land in Ireland?—Yes.

4574. From whom?—From a Mr. Jennings.

4575. Was he a supporter of Colonel Higgins?—No, he has no vote.

4576. You had a vote?—Yes.

4577. And I suppose you plumped for Colonel Higgins?—I did.

4578. I believe a great many of the voters in that part of the country were in Colonel Higgins's interest?—A fair number.

4579. What you call a fair number plumped for Colonel Higgins?—Yes, all plumpers.

4580. Have you attended elections before?—Yes.

4581. The last election for 1852?—No, I did not attend that.

4582. You did not vote for that?—No.

4583. The one before that in 1850?—I rather think not.

4584. Did you plump for Colonel Higgins at that time?—No.

4585. Whom did you vote for?—This is the first time I voted for Colonel Higgins; I did not vote upon either of those occasions; I was not at either of those elections at all.

4586. Were

4586. Were you living in the country?—I think I was.

4587. Were you registered at that time?—No.

4588. When were you first registered?—I believe it was in 1855; I believe so; 1854 or 1855.

4589. Did you make any note of those different speeches that you have been relating?—Well, I did.

4590. What have you done with your notes?—I have not got them; I did not bring them here.

4591. I ask what have you done with them?—I took no particular notice of them.

4592. Did you make notes in the chapel during the time you were there?—No.

4593. When you came out?—Yes, when I came out.

4594. On each occasion?—Yes.

4595. Did you bring those notes with you to London?—I have a portion of the notes at my hotel in my bag.

4596. By the *Committee.*] Have you them with you now?—No.

4597. Mr. *Karslake.*] You brought them to London; a portion of them; but you have not them now?—No.

4598. What became of them?—They are just in my bag; just the memorandums as to the dates.

4599. What became of them?—They are in my bag at the hotel.

4600. I understand that as soon as you went to the chapel you took notes of those speeches?—I took memorandums as to the dates.

4601. As to the speeches too?—No, not as to the speeches.

4602. Merely as to the dates?—As to the dates.

4603. By the *Committee.*] The notes were merely as to the dates?—Yes.

4604. Mr. *Karslake.*] Do you mean to say you merely put down "Sunday the 15th of March:" is that the sort of entry you made at the chapel on the 15th of March?—I entered upon the 15th of March the two or three circumstances which I have mentioned. One was his speaking of the devil, which I could not by possibility forget.

4605. I am not asking you what you could not forget or what you could; do you mean to say you entered that upon your notes?—No.

4606. What did you say, just now, you did it for?—Just a memorandum merely for my own memory's sake as to the dates. I never expected that I would be here, or that they would be at all called for; amongst my other memorandums.

4607. Did you make a memorandum to this effect: "At chapel, on the 15th of March"?—I remember one memorandum I made was, that it was an extraordinary circumstance that the priest mentioned, introducing his satanic majesty into the house of God.

4608. That is the sort of entry you made?—Precisely; nothing else.

4609. Was that made on the 15th of March?—Not upon the 15th of March.

4610. When was it made?—That was on the second day.

4611. You mean the second Sunday, or do you mean the day after the Sunday?—Yes.

4612. Was it on the 16th of March you made that entry?—It was on the Sunday.

4613. Sunday was the 15th of March?—Yes.

4614. Was it on Sunday the 15th of March you made that entry?—No, it could not be, because he did not speak that on that day.

4615. On what day did you make that entry?—It was after the 23d of March, I believe.

4616. Let me understand you?—It was simply in my own labouring book I made the memorandum.

4617. Go back to the 15th of March; did you make any memorandum whatever on the 15th of March?—No, none.

4618. Not even of your having been at chapel, or heard anything?—No; none whatever.

4619. When did you make the memorandum of what you heard on the 15th?—I made no exact memorandum of that as to dates. What I heard upon the 15th, do you mean? I was making a memorandum upon the 22d or 23d, but I recollected

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recollected the other circumstances. Really, on my oath, I cannot say if I made a memorandum at all on the 15th.

4620. You made no memorandum?—To the best of my knowledge; will you allow me to explain?

4621. To the best of your knowledge, you made no memorandum upon the 15th?—It was quite impossible I could carry the dates in my head unless I made some memorandum of them.

4622. Did you make any memorandum on the 15th of March?—I rather think not.

4623. Did you make any memorandum whatever until Sunday the 22d?—I rather think not.

4624. On what day was it you heard about the devil?—The 22d.

4625. And then you say in your labour-book, you made a memorandum about his satanic majesty?—Yes.

4626. Have you that memorandum book here?—My labouring book I have; I just put it into my travelling bag by chance.

4627. Mr. *O'Malley.*] You do not mean that you have it in this room, but at the hotel?—At the hotel.

4628. Mr. *Karslake.*] Go to the next Sunday, the 29th; did you make any memorandum of what took place upon that day?—No; I rather think not at that particular time.

4629. Have you any memorandum whatever in your book with reference to those speeches of Father Luke Ryan, except the memorandum as to his satanic majesty?—Down from that date I clearly recollected it.

4630. Have you any memorandum in your book?—No; not in my book.

4631. Have you elsewhere?—I made some memoranda as to dates.

4632. Have you those memoranda?—Yes; I have them at my hotel to serve my memory; I have made them since.

4633. I do not ask "since," I ask for anything you made at the time?—I made nothing at the time; I could not forget the circumstances; I could not recollect the dates unless I made some memorandums.

4634. On the 5th of April, the Sunday, Mr. Luke Ryan, you say, officiated at Kilmena?—Yes.

4635. How far is Newport from Kilmena?—Three miles.

4636. At the time he officiated, had many of Colonel Higgins's voters, to your knowledge, gone in to stay at the hotel at Newport?—They had gone to Newport.

4637. Not intending to come back until after the polling?—Certainly not.

4638. Had they gone on that Sunday morning?—If they had not gone, they never would have voted for Colonel Higgins.

4639. I do not ask you that; had they gone before mass on that Sunday morning, to your knowledge?—They had gone on the Saturday night previous.

4640. Did Father Luke Ryan refer to the impropriety of their going away, and not attending mass?—He did.

4641. And was it with reference to that that he asked, or that he wondered if the Derby priest gave them mass?—Yes.

4642. Is the person whom you called the Derby priest in that neighbourhood Sir Richard O'Donnell?—Yes.

4643. He is in the habit of preaching in bye-ways, is he not?—I am not aware.

4644. Did you ever hear him?—No.

4645. Nor see him?—No.

4646. Have you heard that he did so?—No.

4647. By the *Committee.*] Does he belong to that particular sect?—I cannot say.

4648. Mr. *Karslake.*] At all events you understood by the Derby priest, Sir Richard O'Donnell?—Yes, clearly.

4649. I suppose you had some reason for understanding Sir Richard O'Donnell to be the Derby priest?—He was speaking constantly of Sir Richard O'Donnell; he spoke of the Derby priest when speaking of the freeholders.

4650. Was it because he spoke frequently of Sir Richard O'Donnell that you understood he meant Sir Richard O'Donnell by the Derby priest?—There was no person interesting himself so much in the neighbourhood for Colonel Higgins as Sir Richard O'Donnell.

4651. Had

4651. Had you any other reason for supposing that he meant Sir Richard O'Donnell, except that he was interesting himself for Colonel Higgins?—I do not clearly understand your question.

4652. You say that you understood by the expression "the Derby priest," Sir Richard O'Donnell?—Yes.

4653. Had you any reason whatever for supposing that Sir Richard O'Donnell was meant except the fact you state, that you knew he was actively canvassing for Colonel Higgins?—I heard that Sir Richard O'Donnell was a Derbyite.

4654. And that is the reason that you understood he referred to him?—Yes.

4655. Where did you go after chapel on that day?—I went home.

4656. How far is that from the chapel?—About a mile.

4657. Is that on the road to Newport?—No.

4658. Is it a different road from the road to Newport?—Not very much different.

4659. How far from the chapel did you see Father Luke Ryan after you left him?—He hurried out very quickly, himself and the boys.

4660. How far from the chapel did you see Father Luke Ryan when you left?—About 500 or 1,000 yards; it was not a quarter of a mile, certainly.

4661. By the *Committee.*] In what direction?—In the direction of Newport; he had a post car from Daly's Hotel, from Westport, waiting for him.

4662. What do you call a post car?—A hired car.

4663. Mr. *Karslake.*] You attended, you say, in Westport on the first day?—Yes.

4664. Is that the chief voting place for your barony?—No; not for my barony.

4665. Castlebar is?—Castlebar is.

4666. Were you at Westport all day?—I went on the coach to Castlebar at 4 o'clock; I took the first coach I could.

4667. You say you were at Westport on the first day?—I say during the time of polling.

4668. You say you were at Westport during the first day?—I was.

4669. Did you leave Westport after the poll closed on the first day?—When the coach started I took the first mode of conveyance I could get, and went across to Castlebar.

4670. That was at 4 o'clock?—Yes.

4671. Were you at Westport all day?—From an early hour I was there.

4672. And you then went over to Castlebar?—I then went over to Castlebar.

4673. Did you vote at Castlebar?—I did.

4674. On the Tuesday?—Yes.

4675. Plumped for Colonel Higgins?—Yes.

4676. I suppose you remained in the booth for some time after you voted?—I remained about the courthouse.

4677. Did you remain at the booth?—No; I walked in and out several times during the day.

4678. Did you see a great many vote, plump for Colonel Higgins at the booth?—I saw some.

4679. A great many?—The greater part of them had voted the first day.

4680. Can you give me the names of the principal landlords in the neighbourhood of Kilmena?—The Law Life Company have a very considerable property in Kilmena.

4681. That is an absentee landlord, is it not; let us have a corporation sole?—Sir Richard O'Donnell has a very considerable property.

4682. Any others?—Lord Sligo.

4683. Yes?—Mr. Lavingstone, of Westport, has some.

4684. The Earl of Lucan?—Yes, the Earl of Lucan.

4685. Those are the principal landlords in the neighbourhood?—I think they are. There are many smaller ones that I know, if you think it necessary to mention them; Mr. Dominick Blake and others.

4686. You saw Father Luke Ryan, you say, at the polling booth at Castlebar?—Yes.

4687. Did you see the freeholders brought in; come in; at whom he shook his hand, as you say?—I did.

4688. Where did they come from?—From Kilmena; from Westport; they live in Kilmena.

 4689. Whose

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4689. Whose tenants were they?—The tenants of the Law Life Company.

4690. Did they plump for Colonel Higgins?—They did.

4691. How many of them were there?—I believe five; there may be more, but I cannot say positively.

4692. How did they come?—They came under escort.

4693. How; who was the person that brought them in, as you call it?—They came under escort from Westport; I did not see them start from Westport; I saw an escort of soldiers with them.

4694. Was the high sheriff with them?—I did not see him.

4695. You did not see him?—No. Those voters were in Westport the day before. Mr. Brown, the bailiff, showed me a letter he had.

4696. Never mind what Mr. Brown showed you. They plumped, you say, for Colonel Higgins?—They voted, not plumped; they voted for Captain Palmer and Colonel Higgins.

4697. You said just now they plumped. Will you give me their names?—I do not know their names.

4698. Can you give me the names of any one of them?—No.

4699. Not one?—Not one.

4700. By the *Committee.*] How do you know they voted as you say, if you do not know their names?—I am only five years living in that parish. I do not know the names of many of the persons.

4701. You knew the men by sight?—I knew the men by their appearance. I was in at the time they voted.

4702. Mr. *Karslake.*] I understood you to say they plumped for Colonel Higgins?—Well, plumped is the usual word.

4703. "Plumped" means something, does not it?—I say they did not plump; they split; they gave Captain Palmer half a vote.

4704. Did you see them do that?—Yes.

4705. You saw them do it?—Yes.

4706. In the booth?—Yes.

4707. You say you saw it, but you cannot tell me the names of any one of those men?—I cannot.

4708. Had you seen them previously at Kilmena?—I know the bailiff very well,—Patt Brown. I knew their appearance very well, but having been only five years in the parish, I did not know them by name.

4709. Patt Brown was with them, at all events?—Yes; I knew him.

4710. Who is Patt Brown?—The bailiff of the Law Life Company; and the voters, I believe——

4711. Do you know those men by sight, or any of them, as attending mass at the same chapel you do?—Yes, I know them by sight.

4712. Have you seen them there since the election?—I have. I rather think some of them have not gone there.

4713. I ask if you have seen them, or any of them, there?—I have seen some of them; others have not gone, by reason of the abuse they are getting.

4714. I asked if you have seen them there?—I saw some, and othershave not gone, by reason of the abuse.

4715. You have seen some of them there?—I have; the others have not gone by reason of the abuse they have got.

4716. You say you saw Father Luke Ryan afterwards?—Yes.

4717. With some priests?—In Castlebar; yes.

4718. What was he doing?—Walking about the town busily engaged in the election.

4719. So you said before?—Yes.

4720. Did you see him do any thing except walk about the town?—I saw him on the steps of some committee-room, which I understood to be belonging to Captain Palmer; he was very busily engaged in it.

4721. That is what you saw him do?—I saw him do nothing else; it would just lead me to infer that he was very busily engaged in the matter. I saw him shake his hand at these freeholders from the court-house to intimidate them. I saw him do that.

4722. You say you saw him at a room which you understood to be Captain Palmer's?—I saw him at the steps of the committee-room, which I understood to be so.

4723. Had

4723. Had you seen anybody before Sunday, June the 14th, with reference to coming over here to give your evidence?—No.

4724. Had you been served with a Speaker's warrant at the time?—June the 14th I had; on June the 8th I was served with a Speaker's warrant.

4725. On June the 8th you had been served with the Speaker's warrant?—I had, distinctly.

4726. It was very well known then?—Yes, there was a fair at Newport, within three miles of where I reside; it must have been publicly known.

4727. Who had you seen before you were served with the Speaker's warrant to state what you could prove?—I met Sir Richard O'Donnell in Newport. I told him the circumstances.

4728. It was Sir Richard O'Donnell you had seen?—I spoke casually to him; he told me I was going to be served. Sir Richard O'Donnell first came up to me, and mentioned that Colonel Higgins was going to serve me; that was the first word.

4729. You had seen Sir Richard O'Donnell, and you had communicated with him?—I met him casually in Newport; I had not communicated with him.

4730. Did you in Newport speak to him?—I met him casually; he said I was going to be served. I met him casually. I did not communicate with him.

4731. Did you, when you met him casually in Newport, have some conversation with him about Father Luke Ryan?—Sir Richard O'Donnell told me——

4732. Did you, or did you not?—If you will allow me——

4733. No, I will not; I will have an answer first. Did you, or did you not have some conversation with him about Father Luke Ryan?—I had; but will you allow me to explain?

Mr. *Karslake* objected to any explanation being given.

Mr. *O'Malley* contended that the witness had a right, having answered the question, to explain it.

Witness.] I did not say I communicated; I did not communicate with him, nor communicate with anybody.

4734. Mr. *Karslake.*] You said you met him casually, and had a conversation with him?—Certainly; but I did not communicate with him, or with anyone. With the greatest respect, I say I did not communicate; I do not understand that as meaning to communicate, speaking casually.

4735. Was it after that that you were served with the Speaker's warrant?—Yes.

4736. That was on the 8th of June?—No, sometime before the 8th; it was on the 8th of June I was served with the Speaker's warrant; I have already answered that.

4737. By the *Committee.*] Were you personally served with it, or how did you receive it; who served you with the notice?—The sheriff's bailiff.

Re-examined by Mr. *O'Malley.*

4738. Of course some one heard that you had something to communicate, and you were served with a Speaker's warrant?—The facts were as notorious as they possibly could be, which I can prove here; every shopkeeper in the town of Westport and in Newport had them as clearly as I had; there could be a hundred witnesses got to prove the same thing.

4739. I understand from you that before you said one word to Sir Richard O'Donnell as to your knowledge of the transaction, you were told you were going to be served with a Speaker's warrant?—Sir Richard O'Donnell said I was going to be served with a Speaker's warrant, and he wished to mention the circumstance, in case I should be taken by surprise.

4740. The facts were all known, you say, all over the country?—Yes, I heard them spoken of generally.

 4741. You

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4741. You said that Father Luke Ryan was busily engaged at Captain Palmer's Committee; did you know of any Committee of Mr. Moore's separate from Captain Palmer's Committee?

Mr. *Karslake* objected that this did not arise out of the cross-examination.

[The Witness was directed to withdraw.

The *Chairman* inquired whether it was a matter of importance to pursue the question.

Mr. *O'Malley* stated that he would withdraw the question.

The *Witness* was again called in.

Mr. *O'Malley* stated that he had no further question to put.

[The Witness withdrew.

Andrew Castle Montgomery, Esq., was called in; and, having been sworn, was Examined by Mr. *O'Malley*, as follows:

A. C. Montgomery, Esq.

4742. WERE you at the time of the last Mayo Election a Stipendiary Magistrate?—Yes, at Castlebar, I was.

4743. Your station was at Ballinrobe, and you were moved, I believe?—My station is at Ballinasloe, in the county of Galway.

4744. Then you were moved to Castlebar on temporary duty?—I was moved by the Government on temporary duty during the Mayo election.

4745. What time did you go to Castlebar?—On the 26th of March.

4746. Do you remember what day the nomination was; the 3d or the 4th of April?—The 3d of April, I think.

4747. On Thursday, the 2d of April, were you at Castlebar?—I was.

4748. Do you know a person of the name of Corbey, a priest?—No, not of that name.

4749. Do you know a name like it?—There is a Mr. Curley; perhaps you allude to him.

4750. Mr. Curley; is the gentleman in this room?—I saw him here yesterday, or the day before.

4751. Just see if he is in the room now?—I do not see him here now; he is not here at present that I see.

4752. Did you see him in Castlebar on the 2d of April?—I did, on the evening of the 2d.

4753. Tell us what you saw him doing?—I saw him at the head of about 200 persons walking with a book in his hand.

4754. What class of persons?—Persons in a humble rank of life.

4755. Where?—I saw him walking, as it were, in procession round and round opposite Messrs. Moore and Palmer's committee-room, up and down the street.

4756. With a book in his hand?—Yes.

4757. Did you observe what the book was?—I did not; I could not say what the book was.

4758. By the *Committee.*] Near Mr. Moore and Captain Palmer's committee-room?—Opposite Mr. Moore and Captain Palmer's committee-room.

4759. Mr. *O'Malley.*] You say walking in procession?—Walking up and down with about two or three hundred persons after him.

4760. You had, I believe, received some information which brought you to that place, had you not?—I was sent for; I was in the lower part of the town. I was sent for; I was told there was some riot there.

4761. When you came you found Mr. Curley and his attendants were in possession of the place.

Mr. *Karslake* objected to the question.

4762. Mr. *O'Malley.*] You say he was walking up and down there opposite the committee-room?—Yes.

4763. Whatever

4763. Whatever information you may have previously received, did you find there was anyone to oppose him there, or to resist him there?—Not when I went there.

4764. You can tell us, at all events, at that time, whatever conflict may have occurred before, if he was at that time undisturbed, he and his body of men?—Yes.

4765. Had any application been made to you for a warrant against Mr. Curley?—Yes, in the course of that evening there was, afterwards.

4766. You declined, I believe, to grant it?—I did.

4767. Why?—I thought it more prudent.

Mr. *Karslake* objected to the reasons of the act being given in evidence.

Mr. *O'Malley* was heard in support of the question; the reason which influenced the Witness was a fact properly admissible in evidence.

Mr. *Karslake* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the question might be put.

4768. Mr. *O'Malley*.] What were your reasons, why you did not grant the warrant?—I thought that receiving the information and issuing the warrant would only lead to greater excitement, knowing the influence the Roman-catholic clergymen possessed in that country.

4769. By the *Committee*.] The Roman-catholic clergymen, not that particular one?—The whole Roman-catholic clergy; I did not know anything particularly of that gentleman.

4770. Mr. *O'Malley*.] Application was made to you for an escort to accompany some voters from Westport to Castlebar?—It was made to the high sheriff when I was present.

4771. Are you aware that Captain Higgins resides at Westport?—He resides near Castlebar; not at Westport.

4772. He is the high sheriff?—Yes.

4773. Was Westport a polling place?—Yes.

4774. By the *Committee*.] All you have been telling us now was at Castlebar?—Yes.

4775. Mr. *O'Malley*.] Did you send an escort to Westport for those voters?—I suggested to the high sheriff that as he was going there to vote, and as the military would not go without a magistrate, he should take half a troop with him to bring back those voters on the second day of polling.

4776. Was that done?—It was.

4777. Do you remember when the voters were expected in?—Yes.

4778. How would you describe the state of the populace about at that time?—The persons assembled about the court-house were rather excited; I think they expected the arrival of these persons from Westport.

4779. What do you mean by rather excited?—From their demeanor and deportment; they assembled quite close to the booth, at the court-house, where the booths were.

4780. Did you see Mr. Ryan, the priest, amongst them?—Yes.

4781. Where was he?—When the voters came in by the court-house, Mr. Ryan got up on the steps of the court-house, close to where I was, and when I had formed a line of constabulary to give protection to these six or eight voters that were coming from Westport, he, with another gentleman who was also a voter, I believe, from the neighbourhood of Westport, got inside these lines that I was going to keep as a clear passage to protect these voters, and when the voters came up to the court-house with the escort, Mr. Ryan was up on the steps, over the voters, where the car drew up, and when they drew up, I saw him then raise his hand, and say to the persons on the car, addressing the persons on the car, "You are traitors;" I cannot say whether he said anything more, because there was a good deal of excitement and shouting on the arrival of the voters.

4782. Was it necessary to have an escort to protect Colonel Higgins's voters on that occasion?—I presume it was; I believe it was.

4783. At the election generally would you say it was?—I believe so decidedly upon the information I received.

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4784. By the *Committee.*] Had these men voted at this time?—They had not; they were in Westport, and a person arrived as I was standing with the sheriff in a car, and he stated that there were six or eight voters in Westport that he could not get protection for from the resident magistrate.

4785. Was it because these men came up under an escort, and he knew them to be voters for either one side or the other, that Mr. Ryan did that?—I should think he knew that they were coming; I suppose it was generally known; it is only my opinion of course, I do not know.

4786. Mr. *O'Malley.*] At all events they did come?—Yes.

4787. And you found Mr. Ryan was ready to receive them there at the top of the steps?—Yes.

4788. And this language which you speak of was uttered by him?—Yes.

Cross-examined by Mr. *Karslake.*

4789. You were sent down, I understand, by the Government?—I was.

4790. Did you live at Castlebar from the 26th of March?—Yes, until the 11th of April.

4791. Till the 11th of April; till the election was all over; the first thing I think you referred to, was something that happened upon the 2d of April?—On the evening of the 2d of April.

4792. My learned friend put the question, whether Mr. Curley was in possession of the town; when you came up, was Mr. Curley doing anything more than walking about with those people?—Nothing more; he was walking at the head of those persons as I have described.

4793. I suppose you have been a stipendiary magistrate for some years?—About eight years.

4794. Well acquainted with the feelings of the people of that district?—I never had been in Mayo before, but on one occasion.

4795. In Galway?—In Galway.

4796. Were you there on the day of the nomination?—I was.

4797. And I may take it every day until after the election was over?—Yes.

4798. The election at Castlebar concluded on the Tuesday?—The polling concluded on Tuesday.

4799. Was the High Sheriff at Castlebar a good deal during the election?—He was, I think, particularly from the time of the nomination until the polling was over.

4800. Daily?—I could not say that; I think he was.

4801. I did not exactly catch your answer with reference to this escort; there was an application, I understand you to say, made by the High Sheriff?—To the High Sheriff.

4802. For an escort?—Yes, by some person from Westport.

4803. How many dragoons were furnished as an escort?—I think there was half a troop.

4804. Can you tell me who the officer was, who was with them?— do not know.

4805. On what day was it the dragoons were asked for?—On Tuesday, the second day of the polling.

4806. At what time of the day?—I think about eleven o'clock.

4807. By the *Committee.*] That they went or came back?—They went about eleven o'clock.

4808. Mr. *Karslake.*] Do I understand you to say, that the high sheriff went with them?—Yes.

4809. He was seen riding out of the town with the dragoons?—He went on the car with the dragoons.

4810. Did he come back with the dragoons to the poll?—He came back to the court-house.

4811. There were the voters, the dragoons, and the high sheriff together?—Yes.

4812. Was there any other magistrate in attendance upon these dragoons?—No.

4813. Do you know of your own knowledge where these voters had been quartered?—The person who applied for the escort, I think, stated they were in a house in Westport.

4814. You do not know that yourself?—No, I do not know it myself.

4815. Did the voters, after Father Ryan had raised his hand in this way, go into the booth and vote?—They went into the booth.

4816. Did the high sheriff go with them?—No, I think not; I am not sure, I cannot say.

4817. Are you sure he did not?—I cannot be certain about that, because my attention was directed to get the men in, and there was a great crowd on both sides; they were lined by the constabulary.

4818. By the *Committee.*] Did you say they voted?—They went into the booth; I cannot say whether they voted.

4819. Mr. *Karslake.*] I suppose you cannot give me the names of them?—I cannot?—I do not know the names of any of them.

4820. I suppose you had seen Irish elections before, frequently?—I have been at several elections in Ireland.

4821. Have you frequently on those occasions seen either the military or the constabulary employed?—Almost always.

4822. It is the custom in Ireland very commonly?—I think it is.

4823. I may say almost always, as a precautionary measure at all events, to have constabulary and military present?—The constabulary are generally present.

4824. And frequently the military?—If they are required, yes.

4825. What were you doing during the election; were you chiefly employed in walking up and down the town?—I was at the court-house during almost all the two days while the polling was going on.

4826. In and about the court-house?—Yes, principally there; I very seldom left it.

4827. That was the centre of attraction; you posted yourself there?—Yes.

4828. You said they were walking near Mr. Moore and Captain Palmer's committee-room?—Yes.

4829. Have you any reason for knowing, or how do you know, that it was Mr. Moore and Captain Palmer's committee room?—It was placarded outside.

4830. You think so from that?—It was pointed out to me, and I am almost sure it was.

4831. Was it Captain Palmer's committee-room or Moore and Palmer's committee-room?—I really cannot say; it was pointed out to me.

4832. Can you tell me this, what house was it that you are referring to?—It was a house next to Daly's Hotel, I think.

4433. Are you sure of that?—I really am almost certain of it; it was pointed out to me as being the committee-room, and the next house I think was Colonel Higgins's.

4834. That was the house you refer to at all events?—Yes; I was lodging quite close to it.

4835. Was not it placarded as Captain Palmer's committee-room?—I could not say whether it was placarded as Captain Palmer's committee-room, or as Messrs. Moore and Palmer's committee-room, but I think it was placarded as their committee-room.

4836. You cannot say positively?—I think so.

4837. But you do not undertake to say whether it was the one or the other?—I cannot.

4838. Was Captain Wardlaw in the command of the troops at Castlebar?—No; Colonel Sparkes I think was the senior officer there in command; Captain Wardlaw was captain of the First Dragoons.

4839. Was Captain Wardlaw there?—He was.

4840. But not in the command of the whole body?—No.

4841. What troops were there in Castlebar?—It was the head-quarters of the 38th and the First Dragoons; both regiments upon that occasion; and there were sent out detachments to the different polling-places from that place as were required.

4842. When were they sent down before you came?—Some days afterwards.

4843. About what day?—I think about the 28th of March, but I cannot say exactly.

Re-examined by Mr. *Hale.*

4844. You say you have been present at elections before in Ireland?—I have.

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4845. Is it almost always the constabulary that are present?—Always almost.

4846. The military, are they always present?—Not always.

4847. I understood you to say, in your examination in chief, that the high sheriff went to Westport to vote?—Yes.

4848. Therefore he went partly as a voter, and partly as a magistrate, in charge of the dragoons?—I suggested that he should take charge of the dragoons, because there would be difficulty in getting an escort; they would not go without a magistrate.

4849. He was the high sheriff?—He was the high sheriff; he had charge of the whole county.

[The Witness withdrew.

Mr. *John Gannon*, was called in; and having been sworn, was Examined by Mr. *Hale*, as follows:

Mr. *J. Gannon.*

4850. YOU live at Dugarra?—I do.

4851. Is that near Castlebar?—Yes.

4852. Are you a freeholder of Mayo?—Yes.

4853. Are you a Roman-catholic?—Yes.

4854. What are you?—A farmer.

4855. Do you recollect the last election for the county of Mayo?—I do.

4856. Do you know the Rev. Mr. Cahill?—I do.

4857. Is he the priest of your parish?—He is.

4858. Curate?—Yes.

4859. Before the election, did he come to you at your house?—He did.

4860. Did you go out to him to meet him?—I did.

4861. He called you?—He did; he sent in one for me.

4862. What did he say to you?—He said, "You are a freeholder?" I said, I was.

4863. What passed then?—He asked me, would not I go with him to give my vote for Moore and Palmer. I said whatever side my landlord would go, I would follow.

4864. Well, what else did he say?—He said, he had my landlord's interest.

4865. Who is your landlord?—Lord Erne.

4866. You hold land under Lord Erne?—Yes, I do.

4867. What else did Father Cahill say to you when he told you he had got your landlord's interest?—He said not to be in the light of that; that if my landlord was to cross me he would secure me in anything of the landlord crossing me; if he was to cross me respecting my land, he would secure me in it.

4868. Did you make any answer to that?—I did.

4869. What did you say?—I said I would follow my landlord.

4870. What did he say; did he say anything more upon that occasion?—He said for me to remain there until he would come out the first day of voting and bring Feeny's car out for me.

4871. He would bring a car for you to take you to the poll?—Yes.

4872. After this conversation did you remain at your own house?—No; when he went I went back to Castlebar.

4873. You went back to Castlebar?—I did.

4874. What did you go there for; on business, or what?—I went to know what side my landlord was going, which was he going, which of the men.

4875. Did you go home again?—No; I went into a man's house of the name of Pat Barrett, a publican.

4876. How long did you stay at Pat Barrett's?—I remained there for three days and two nights.

4877. That brought you to the first day of the polling?—Yes.

4878. On the first day of the polling did you go to the court-house?—I remained in Barrett's, as I told Barrett——

4879. You were at Barrett's house?—I was.

4880. Did you go to the court-house on the first day of the polling?—I did, I went on the first day, but I told Barrett——

4881. Never mind that?—I went up, and the poll was over.

4882. Whom did you meet at the court-house?—Father Green.

4883. Is he a Roman-catholic curate?—Yes.

4884. Who

4884. Who else?—I will just remember what other clergymen were with him; there was some other clergyman with him; I do not know who it was.

4885. Some other clergyman; were there more than one other clergyman with him?—I am sure there was not.

4886. One?—Yes.

4887. Did they speak to you?—Yes, Father Green asked me up to Mr. Clarke's house.

4888. By the *Committee.*] Did you know Father Green before?—I did.

4889. Is he your priest?—He is the priest at Castlebar, that is where I go to chapel sometimes; and to Breaghwy sometimes; the parish of Breaghwy is the place I go to, but I go to Castlebar sometimes.

4890. What was Mr. Clarke's house at that time?—It was a house that was employed, I am sure, by Mr. Moore and Mr. Palmer.

4891. Were there other freeholders there?—I saw no freeholders in it. I saw no person when he brought me in but Pat Gilda and William Lavell, and Father Green told them to take care of me.

4892. Did they take care of you?—I did not sit at all, I stood until Father Green turned out and I walked, and I went into the house of a man of the name of Hopkins.

4893. Who is Hopkins?—He is a car-driver in Castlebar. I understood that he held Colonel Higgins's voters.

4894. You went into Hopkins's?—I did.

4895. Did you stay there?—I did. I remained there for that night.

4896. By the *Committee.*] Did those two men attempt to prevent your leaving the house?—They did not.

4897. Mr. *Hale.*] Did any of these reverend gentlemen come into Hopkins's house?—Not on that day.

4898. On the following day did they?—They did.

4899. Who came?—Father Cahill and Father Hostie.

4900. Is he a Roman-catholic curate?—Yes.

4901. What occurred when Father Hostie and Father Cahill came in on that day; what took place?—I was like taking my breakfast, and Father Hostie asked me would not I give my vote to Moore and Palmer. I told him I would not, but that I would give it to Colonel Higgins; he said that he would call me out in the four chapels, and announce me from each altar of God in each chapel.

4902. Did he say "denounce"?—No, "announce" me.

4903. Did you call Hopkins?—I did. I called Hopkins to witness. I knew John Hopkins, and said I, "If you destroy my character in the presence of any flock or congregation," said I, "I will take an action against you."

4904. Whom did you say that about your character to?—I said, "Witness Mr. Hopkins," said I, "if he calls me out and destroys my character in the presence of a flock or congregation," said I, "I will take an action against him."

4905. Did Father Cahill say anything further?—Father Cahill said he would make an example of me if I did not vote for Moore and Palmer.

4906. By the *Committee.*] Did Father Cahill hear you say that to Hopkins?—He did; it was to Mr. Hostie I said it. Father Cahill said he would make an example of me if I did not vote for Moore and Palmer; it was Father Hostie first said he would announce me; I told him that God had more power than him.

4907. Was anybody with those reverend gentlemen?—There was Hugh Feeny, the publican, and Casey, the butcher; Hugh Feeny keeps cars, and his cars were employed by Mr. Moore and by Mr. Palmer.

4908. In what state were they?—Feeny is a temperate man, but Casey appeared to me to be drunk, and I told him he was, and that he should use no influence on me.

4910. Was anybody else with them?—There was a fishwoman of the name of Katch Guttery, they call her; I do not know what her name is; that was what they told me.

4911. Was she sober?—She was able to scold.

4912. Mr. *Hale*] Did she bring her ability to scold to bear upon you?—She did.

4913. By the *Committee.*] Was she sober, or what?—She was not very drunk, nor she was not sober.

4914. Mr. *Karslake.*] She was as sober as she generally is, I dare say, was not she?—I do not know.

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4914. Mr. *Hale.*] Then after this, did the priests leave you?—No, I told the priests; I said this to the priests: "It is a pretty thing for a clergyman to bring in the like of that," said I, "of a drunken woman, to go and abuse any man that is minding his own business; if you do not take her out of that, I will run her through with the knife that I had in my hand," if the priest did not take her out of the way from abusing me.

4915. By the *Committee.*] Who said so?—I did.

4916. Mr. *Hale.*] After that did they go?—Father Hostie then put her out.

4917. Then did Father Hostie go himself?—Yes.

4918. By the *Committee.*] Had you had any words with this woman that she abused you?—No, never; only when I would not promise my vote to Moore and Palmer.

4919. Mr. *Hale.*] After that did you go to the court-house to vote?—I did.

4920. When you went to the court-house did you see any priests there?—I did; they were watching me, sir; they were watching me, and walked up to the poll with me.

4921. Who walked up to the poll with you?—There was Father Green and Father Hostie, and Father Cahill; and there was another priest, but I cannot say who it was.

4922. Did those four priests walk up with you to the poll?—The police came over for me to Hopkins's house, and they went over along with me.

4923. The priests were with you?—They were.

4924. Then they had come in again?—They had to meet me at Hopkins's.

4925. The police came and took you from Hopkins's?—Yes; we were all along with them; I was along with the police.

4926. Escorted by them?—Yes.

4927. The four priests went as well?—Yes.

4928. Did they go up with you to the court-house?—They did.

4929. Did anything occur there between you and them?—When I was sworn Father Green said there was something bad in my countenance, and they took me round down by that and brought me up on the big table until I was sworn.

4930. Did you vote?—After that.

4931. Whom did you vote for?—For Colonel Higgins. I plumped for Colonel Higgins.

4932. When the election was over did you go home?—I did not go home till the night following that. My escort came out to lead me home, and I said I would not go until the following day; it was late.

4933. By the *Committee.*] What was the object of swearing you at the table?—To know whom I would give my vote to.

4934. Father Green said there was something bad in your countenance, and they took you to the table to be sworn. What was the swearing for?—To know who I would vote for.

4935. Mr. *Hale.*] I understand that when you went into the booth you were sworn?—I was.

4936. By the *Committee.*] Were you sworn upon a book; upon the Testament?—I was.

4937. Mr. *Hale.*] You say that after you had plumped you were escorted home; some time after?—There was an escort ordered me; and we went into Hopkins's house, and I said I would not leave it until the following day.

4938. Why would not you leave it?—It was late, and I did not wish that the mob should be hooting me.

4939. Was that on the Tuesday night?—It was the last day of polling.

4940. By the *Committee.*] Were you hooted on your return from polling?—I was, but the police was there.

4941. You were hooted on going to Hopkins's from the polling booth?—I was, but the police escorted me over into Hopkins's.

4942. Mr. *Hale.*] Do you recollect the day after the election?—I do.

4943. Were you at that time about paying your rent?—I was.

4944. Did you on your way to pay your rent meet any priests?—I met four priests.

4945. Give me their names?—Father Green, Father Hostie, Father Cahill, and Father M'Curley.

4946. Is Father M'Curley in the room now?—I do not know.

4947. Have you seen him here?—I saw him in the room yesterday.

4948. Did

4948. Did any of those priests say anything to you?—They did.

4949. Which of them?—Father M'Curley called me a "bribed rascal," and Pat Carr came up to meet me, a runner that they had paid there at the election, that was paid by Mr. Moore and Captain Palmer, and hooted me, and gathered a great deal around me, hooting me.

4950. Got a mob about you, hooting you?—Yes.

4951. Did any other priest say anything?—Father Cahill said "the Devil was in my countenance."

4952. And you then, I suppose, got away?—I got away; I was stealing away.

4953. Stealing away?—Stealing away, to get away from being hooted.

4954. On the Sunday after this, did you go to mass?—I did not go to mass, nor I did not go to mass from the time of the election up to this until I went when I came here to London.

4955. You have not been to mass since the election till you came to London?—Yes, I was afraid.

4956. You say you were afraid?—I was of their talking of me.

4957. Talking of you from the altar?—Yes.

4958. Easter Sunday was the Sunday after the polling, I think?—It was.

4959. Did you send your Easter offering to your priest?—I sent him 2 *s.* 6 *d.* by my son.

4960. Which was that to?—Going to Father Cahill.

4961. That is customary at Easter?—Yes.

4962. Did Father Cahill accept your offering? ——

Mr. *Buchanan* objected to the question.

4963. Did your son bring it back to you?——

Mr. *Buchanan* objected to the question.

4964. Is that the usual amount you send to the priest, 2 *s.* 6 *d.*?—Some people send 6 *d.*, others 1 *s.*, and more 5 *s.*, according to their means.

4965. Did you get the half-a-crown back?—I got it back in a week's time; the other collector gave it to me in a week's time; I used to collect along with the other collector myself until that election; then I did not go.

Cross-examined by Mr. *Buchanan.*

4966. You did not go to mass since that election?—No.

4967. You were a very constant attendant at mass before that, were you?—I used to be.

4968. A very constant attendant at mass?—Certainly.

4969. You were a great favourite with the priest, were you, always?—I was.

4970. You swear that to the Committee do you?—I was.

4971. You live in the parish of Breaghwy?—I do.

4972. Was Mr. Hostie in your parish before he came to Castlebar?—The clergyman that is in Castlebar does both parishes; he does a Sunday in Castlebar and another in Breaghwy.

4973. Used Mr. Hostie to read mass in Breaghwy?—He used.

4974. Did Mr. Hostie ever speak to you about the mode in which you were living?—He did.

4975. Did he speak to you about your leading an improper life?—I do not know that he ever did.

4976. Will you swear he did not?—I will.

4977. Did he ever speak to you about quarrelling with your wife?—He never spoke to me about it; but my wife and my father-in-law went to him; my father-in-law went to him because my father-in-law promised me a fortune and I could not get it.

4978. Did Mr. Hostie speak to you about leading a bad life and quarrelling with your wife?—No.

4979. Did Mr. Cahil?—Never; only in the way I told you; I processed my father-in-law for the fortune he promised me, and Father Cahill then came to me and settled it and would not let me go to law; that was all the difference I had between myself and my wife.

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4980. Did you and your wife separate?—It was about the future.

4981. I believe Mr. Hostie reconciled you to your wife?—He did not.

4982. Did Mr. Cahil?—No; I was not reconciled by him until I got the fortune.

4983. It was the fortune you wanted and not the wife?—I wanted both.

4984. Were you reconciled to your wife?—I was.

4985. Did not you fall out again?—Not since; not since she came back after that.

4986. Not since the last time?—No.

4987. Had you more quarrels than one?—I had three.

4988. And every time, I believe, the priest had to interfere with you to make you behave yourself, to make you take back your wife.

4989. He never had any occasion to interfere. My father-in-law and wife used to go to him with complaints of me.

4990. Was it necessary for the priest to interfere, and did he interfere?—They used to go to him and make complaints of me; but not till then.

4991. He did interfere then?—He did.

4992. And upon each time of these three quarrels the priest had to interfere to reconcile you; is that the fact?—He did not interfere at all since the last time. She is now at home in the house.

4993. Did it happen since the election that you have been good friends?—We were good friends before the election, but since then she came home.

4994. It is since the election she came home?—Yes.

4995. What is your business?—A farmer.

4996. Farming?—Yes.

4997. Are you what is known as a horse-rider?—No, I am not; but I used to deal in horses.

4998. Are you not a rough-rider, or a horse-rider?—No.

4999. Mr. Hostie, I believe, used to read mass at Breaghwy before Mr. Cahil came?—He used.

5000. Do you remember when Mr. Hostie endeavoured to make friends between you and your wife?—I told you.

5001. Do you remember the time?—I do not remember the time; I cannot give the date.

5002. Do you remember Mr. Hostie did reconcile you?—He did.

5003. Did Mr. Hostie tell you that, owing to your conduct, he would be obliged to denounce you from the altar?—He did not.

5004. That you swear, do you?—I do.

5005. You swear it?—Not to me.

5006. Why do you say, "Not to me"?—He never told it to me.

5007. Why do you say, "Not to me"?—I do not recollect it.

5008. If he did not to you, did he to anybody in your hearing?—Never in my hearing.

5009. Did he to anybody?—Never in my hearing.

5010. Did you get a message from Father Hostie?—Never.

5011. Did Mr. Cahil ever tell you so?—He never did; that he would denounce me.

5012. He did not?—He never did.

5013. Did he tell you he would speak to you from the altar if you did not lead a better life; take care now what you say; the gentlemen are here?—He never did, nor he had no occasion, I beg your pardon.

5014. Did he say anything like it to you?—I laid the blame on my father-in-law and my mother-in-law; that was the cause of the difference, because they would not give me the fortune that they promised me; and then they used to coax and flatter my wife to bring her home from me for fear they would give me the fortune. There is the cause of it, and I know it better than anybody else.

5015. Did either of them speak crossly to you about your wife at any time?—They never spoke crossly to me, but Father Cahil, the last time that we were talking, said it was really her own fault.

5016. Did anybody else canvass you except Father Cahil before the election?—No.

5017. Nobody canvassed you?—No.

5018. Did nobody ask you for your vote?—Not one.

5019. Now

5019. Now just recollect; who is your landlord?—Lord Erne.

5020. Who is Lord Erne's agent?—Mr. Rutlidge.

5021. He is the sub-sheriff of the county?—Yes.

5022. Who is Mr. Rutlidge's bailiff; his driver?—Mr. Lawless.

5023. Did Mr. Lawless say anything to you before the election?—Never.

5024. Never?—Never.

5025. Take care?—Never; we had no sort of acquaintance.

5026. Whom did you speak to to find how your landlord would vote?—I spoke to John Hopkins alone, in Spencer-street, and he told me the landlord was for Colonel Higgins; that is the man; that was all I got to give me any information.

5027. John Hopkins was the only person?—Yes; he understood it, he said.

5028. Do you know the other tenants of Lord Erne on the estate?—I do.

5029. Did they vote as you did?—They had no vote; there was no voter upon that part but myself.

5030. As to this conversation that occurred which you talk of, about the woman that was brought in, Katch you say the name is; is not that the name for Catherine Guttery?—I do not know; that is the name I hear her called.

5031. You live in the neighbourhood of Castlebar?—I do.

5032. Are you frequently in the town?—Yes.

5033. Do not you know this woman when you see her?—I would know her if I had seen her.

5034. Had you not frequently seen her before?—I had.

5035. Is she not looked upon as a person that is a little out of her senses?—I do not think that a woman mad would be selling fish.

5036. Had you often seen her in Castlebar?—I had often seen her in Castlebar.

5037. Is not she a woman who is generally drunk?—I have oftener seen her sober than drunk.

5038. But you have seen her drunk in the streets?—I have never seen her to say drunk in that way.

5039. You mean not lying upon the ground?—No.

5040. When you have seen her walking about, has she not had a pretty fair share of drink?—Yes, she could take a good deal.

5041. She takes more than you do?—Yes, indeed.

5042. Is not it the fact that she is one of those persons who abuses most people she meets?—I cannot say that.

5043. Did you hear her abuse other people?—I did not care who she abused if she did not abuse me.

5044. You do not appear to have been very much frightened at what the priests said to you?—There was nothing to be frightened at; no great deal.

5045. You went up and plumped for Colonel Higgins?—I did.

5046. John Hopkins keeps a public-house?—No, he does not; he keeps a bakery, and keeps cars.

5047. What is called a car stage?—No, only cars for hire.

5048. Do you know a person of the name of Macartney in Castlebar?—I do well.

5049. Had you before the election any conversation with Macartney?—I had I believe five times, because I went down to the election five times.

5050. And each time you had a conversation with Macartney?—Every day I went to the town I had a conversation.

5051. He keeps a shop?—He does.

5052. Do you remember going into his shop one day, and his asking you how you voted?—I do.

5053. Do you remember what reason you gave him?—I gave no reason, only I said, if I had a full barrel I would vote for Colonel Higgins; I meant if I had a barrel full of votes I would give them to him.

5054. Did you tell Macartney you had any particular reason for voting for Colonel Higgins?—I did not.

5055. Do you swear that?—I do.

5056. Who is he?—He keeps a public-house; I am in the habit of drinking in his house sometimes.

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5057. Then you do occasionally drink a little?—I do indeed.

5058. Did you at any time say, in Macartney's shop, during the election, that you had got money for your vote?—I did not.

5059. You swear that positively?—I do swear that.

5060. It was after the election you say that you met Mr. Curley on the road, when this conversation occurred when you met the four clergymen on the road?—At the hotel above, at Mr. Armstrong's hotel; the four was there at the door.

5061. Have you been married more than once?—I was twice.

5062. Which was it, once or twice?—I am married twice.

5063. How long is it since your first wife died?—I believe she is seven years; she is going on eight.

5064. During her lifetime, did the priest say anything to you about your conduct to her?—No, never. I think they had a great respect for myself and my wife, by all account; and meeting them, and seeing them when they had occasion to go to our house to hold the station, they showed me always respect.

5065. As to the time that you went to Hopkins's. You were at Clark's, you say, and you went to Hopkins's house?—Yes.

5066. Did you get your meals at Hopkins's during the election?—I never took a meal there, except the meal I was sitting down to when the priest came in; that was the first.

5067 Did you get any whisky there?—I did, and I paid for it; I gave 5 *d.* to the girl to go out and bring me in a noggin of whisky. I was fatigued.

5068. Did you get any more whisky that day at Hopkins's?—Not any more.

5069. Did you get any the next day?—I did; I got a noggin of whisky.

5070. Where did you get your meals on that day?—I ate no meals at all, but that one meal; I did not get time to eat a meal.

5071. Do you mean to say, that during the second day you ate nothing?—I do. I was up two nights and two days.

5072. Did you eat anything that second day?—No.

5073. You were there a third day?—No, I was not.

5074. At what time did you leave Hopkins's the second day?—I left the second day. I was not there the third day at all. I was only one night and two days.

5075. Did you on either of those days get your dinner at Hopkins's?—A dinner was got ready, but I was not able to eat any. I was unwell.

5076. Did you sit down to it?—I did.

5077. To dinner?—Yes, to dinner, but I ate none. There was my wife came in, and my mother-in-law, for me.

5078. Who paid for your breakfast?—There was no one paid for it, only I got, I believe, a 4 lb. loaf for myself: I did from John Hopkins.

5079. I talk of the day you breakfasted there, when Mr. Hostie came in and found you breakfasting, who paid for that breakfast?—I do not know.

5080. You did not pay for it?—No; I told them I would pay for it myself.

5081. This dinner you sat down to, who paid for that?—I promised to pay for it myself, and I paid for the noggin of whisky I sent out for, and I got the 4 lb. loaf.

5082. How often did you drink whisky at Hopkins's on those two days?—Never but twice.

5083. Was it the first day you drank the whisky?—No; the first day I was not into it.

5084. That was Monday?—The first day I went in was the day I found Father Green, and then the following day I sent for a noggin of spirits, and gave 5 *d.* to the girl to bring it in.

5085. Had you tea at Hopkins's on either of those days?—I had no tea

Re-examined by Mr. *O'Malley.*

5086. You would rather have whisky than tea, I daresay?—Yes.

5087. You told us your wife was away before the election?—She was.

5088. And came back after?—Yes.

5089. How shortly before the election did she go away?—She was a good while gone before.

5090. A good while?—Yes.

5091. How

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5091. How long?—I cannot exactly say how long.

5092. Just let us understand; when your wife came, you thought you had a right to the fortune, and they took her away when you claimed the fortune?—That was it.

5093. Did the priest say anything to you about not letting your wife back if you did not vote?—No, he did not, but he said he would "announce" me from the altar, as I explained before.

5094. About this woman that was brought in; you say she had an abusive tongue?—Yes.

5095. And she sometimes got drunk?—I never saw her to say very drunk.

5096. There she was, at all events; the priests brought her to that house?—Into Hopkins's house.

5097. And such as she was he was able to take her away as soon he pleased?—He took her and put her out.

5098. You have been asked about your former wife and you said the priest held stations at your house?—Yes.

5099. That is, he made your house his staying place when he came to hold confessions or things of that sort in the neighbourhood?—Yes, according as it comes on the turn of the neighbours.

5100. It is rather an honour, is it not, to receive the priest at that time?—No, it is not an honour, but they must do it at that time.

5101. It is an expensive thing, is it not?—No; it is very easy to do it.

5102. You were asked whether you were frightened; you do not seem to be much frightened by the priests?—Not a great deal.

5103. But what do you think of other people not so brave as yourself?—

Mr. *Buchanan* objected to the question.

[The Witness withdrew.

Peter Burroughs Sharkey, Esq., was called in; and, having been sworn, was Examined by Mr. *O'Malley*, as follows:

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5104. YOU live in the county of Roscommon?—I have a residence in the county of Roscommon.

5105. We are told that you are deputy sheriff for the barony of Kilmain?—I acted as deputy sheriff for the barony of Kilmain.

5106. It is necessary to have a 50 *l.* qualification for that?—I believe so.

5107. Were you in Castlebar on the day of nomination?—I was.

5108. Are you a Roman-catholic?—I am.

5109. Did you attend the parish chapel at Castlebar?—The only Sunday I was in it, I did.

5110. That was the Sunday after the nomination, and before the polling?—The day previous to the polling.

5111. By the *Committee.*] The 5th of April was that?—The 5th of April, I think; I do not quite know.

5112. Mr. *O'Malley.*] Do you know who was the officiating clergyman?—I did not know his name; I heard he was a curate of the parish of Castlebar.

5113. Do you now know his name?—Well, I heard it.

5114. What is it?—Cahill; I am not quite certain about it.

5115. Was there a large congregation there?—A very crowded congregation.

5116. Did the priest address them upon the subject of the election?—Yes, he did.

5117. Will you just recollect yourself, and tell us as near as you can what he said?—He alluded to a letter or pastoral he had received from Archbishop M'Hale, and he stated that he would read them that letter; he alluded to Colonel Higgins.

5118. You did not wait to hear the letter read, I believe?—After his observations, and before the conclusion of the ceremony, I had left the chapel.

5119. Go on.—He alluded to Colonel Higgins's political career, and he stated that in the estimation of the bishop and clergy he was found wanting. I cannot give you precisely the words he used; that he was found wanting; that the clergy

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clergy were upon all trying occasions the friends of the people, and he was sure that upon this occasion, which to the people was a very trying one, he trusted that the people would be guided by the advice that the clergy would give them; particularly, he stated, as the interests of God and religion required it.

5120. Required what?—Required them to take the advice; no, he stated that the interests of God and religion required them to vote for Mr. Moore; that is what he stated.

5121. By the *Committee*.] Mr. Moore, or Mr. Moore and Captain Palmer?—He mentioned Captain Palmer's name; Mr. Moore and Captain Palmer.

5122. Mr. *O'Malley*.] Did he mention anything about an alliance?—He stated that they were bound to support Mr. Moore and Captain Palmer.

5123. Just recollect; did he say any reason why Captain Palmer?—I am not prepared to say exactly. I know he mentioned Mr. Palmer's name.

5124. Just tell us what more was said?—There was one circumstance he alluded to which caused the people to break out into laughter.

5125. Tell us what it was?—He mentioned a person's name in Irish, "Shamus," or something like that; I cannot tell you what it was.

5126. You did not, at all events, understand the name?—No; but at the mention of the name the people appeared to understand it, for they commenced laughing.

5127. What did he say about this person?—He said, this person was going round the back lanes of Castlebar advocating Colonel Higgins's claims, and he was surprised the people let him in.

5128. You say you went before the conclusion of the sitting, and did not hear any letter read while you were there?—No, I did not; before the prayers had concluded I had left.

5129. Did you go to Ballinrobe?—Yes; I went there in the evening.

5130. How did you go?—On the outside of a jaunting-car.

5131. Did you go unmolested the whole of the way?—Coming towards the town of Ballinrobe we met several people, clusters of people along the road; one party of them attempted to stop us, and the driver, a very smart fellow, said, "He has no interest in the election; allow him to pass through; he is a bagman."

5132. And you passed on?—I passed on.

5133. Where did you go to?—He drove me to an hotel in Ballinrobe; Gildea's hotel, I believe.

5134. That was an hotel placarded with the names of Mr. Moore and Captain Palmer?—It was.

5135. Was that the first time you were in Ballinrobe?—The first time I was in Mayo.

5136. I suppose you did not know one hotel from another at that time?—No.

5137. You slept there that night, did you?—Yes; I got accommodation at that hotel. I asked for bedroom accommodation, and I was shown to one in the place.

5138. Was there a constabulary officer there?—Yes; and there were more; Mr. Fallen was stopping there.

5139. While you were in the hotel did you hear anything remarkable?—Yes; after we had some refreshment, a dinner, I am not sure, we heard a noise on the stairs.

5140. State yourself, in your own words, what the circumstance was?—We heard a yelling inside the door, and I remarked it to Mr. Fallen; I went out into the lobby, and saw three men, or four, on the staircase, in the act of coming up-stairs, with some two or three persons behind them pushing them up; and then I saw a person, whom I saw afterwards as the waiter there (I knew him to be the waiter of the hotel), take a man bodily upon his back (one of the four men I saw upon the stairs), and carry him up-stairs. Another followed him, pushed by another man; they were shouting at the gate, and stating, "Oh, you may trust us, we will go quite right; if you will allow us to go to our home, we will be certain to be there on the morning." I saw another man obstinately hold the balustrading of the stairs some time, and not yield; and I saw a man take his knife from his pocket, and take an oath that he would send it into his belly if he did not let go his hold; and the man let go his hold, and he was taken up-stairs.

5141. By

5141. By the *Committee.*] Did you know who those men were?—I did not know the men who were pushing them up.

5142. Mr. *O'Malley.*] But they were in the hotel, which was placarded with Moore and Palmer's committee on the outside?—Yes.

5143. Did you know afterwards; had you any means of knowing who the persons were that were pushed up?—No, I had not, except they stated they would go right; I understood them to be voters.

5144. By the *Committee.*] This was at Gildea's hotel?—This was at Gildea's hotel.

5145. You said that the waiter took one of them on his back and carried him in?—Yes.

5146. Where did he carry him to?—To a committee-room; that the waiter afterwards told me.

5147. Mr. *Buchanan.*] You know that that will not do; you know that that is not evidence; you are a professional man?—If you will have the kindness to tell me when I go wrong I will be obliged to you.

5148. You know very well that that is not evidence?—I cannot have my professional wits always about me.

Chairman.] He says when he goes wrong if you will have the kindness to tell him so he will be obliged to you.

5149. Mr. *O'Malley.*] You say that he was carried into a committee-room?—Yes, opposite to the room which I had the use of.

5150. Well now, how long did you stay at that hotel?—Until I left Ballinrobe on the Wednesday, about the close of the poll, at four o'clock.

5151. Had you, whilst you were there, the opportunity of observing what was going on in that room?—I did not think it was my duty exactly to inquire into it.

5152. But did you?—No.

5153. You were going up and down?—Frequently; I did not sleep the first night I went there the entire night, from the noise of voters passing up and down to this committee-room.

5154. You saw, at all events, enough to enable you to say that it was the room in which the business of the election was partly conducted?—It was a committee-room belonging to those gentlemen.

5155. Did you see any priests there during the time that you were in it?—Frequently.

5156. Could you tell us any of their names that you saw in the committee-room?—The Rev. Mr. M'Hugh; I knew none of these gentlemen present; I can only tell you what I was told.

5157. What you understood their names to be at the time?—Yes, Mr. M'Hugh.

5158. Mr. Conway?—Mr. Conway waited upon myself personally, and on other occasions.

5159. You saw him on other occasions then when he came to you?—Yes.

5160. At this room, this committee-room, you talk of?—Yes, this committee-room.

5161. And that was the room into which this person was carried?—Yes.

5163. Now, when did the poll open?—It opened at eight o'clock on the Monday morning, the day after.

5164. Were there in the booth any priests?—A large number of priests in the booth at the opening.

5165. Now, did it appear to you that the priests were engaged in conducting the election?—It appeared to me that they were engaged to take a very active part in the election.

5166. On which side?—On Mr. Moore's side, and also Mr. Palmer's.

5167. Now, I ask you, I do not confine you merely to words, but to words, looks and gestures, can you say what the attitude of the priests was to the voters in that room?—Yes, I can.

5168. Well, what was it?—Frequently during the day I had to threaten to take two or three of them, I think three at least, into custody.

5169. For what?—For threatening the voters, shaking their hands in their faces in my presence, suggesting candidates' names to them when the man hesitated as to whom he would vote for.

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5169*. *Committee.*] Do you recollect on what day that was?—On the first day of the polling.

5170. On the Monday?—Yes.

5171 Three separate priests, or in three separate instances?—Three separate instances.

5172. Mr. *O'Malley.*] Do you know their names?—The first person was the Rev. Mr. M'Hugh; I got into collision with him in the first instance; he suggested Mr. Moore's name to a voter that was then on the table. There appeared to be much interest about the way this voter would record his vote, and I was asked to put the statutable questions to him. The man appeared not to exactly understand the question, and I repeated it again to him; he hesitated again; I asked him the question a third time, and he then said —— "Yes," said Mr. M'Hugh, in answer to the question, "Whether you are the same person whose name appears on the register of voters now in force?"

5173. You say that Mr. M'Hugh answered it for him?—Yes, he audibly said "Yes." I said to him "That is very wrong, I trust you shall not do that again, if you please." The same witness was on the table and I came to ask him for whom he would vote; he hesitated again; I asked him again, and Mr. M'Hugh then stated "Mr. Moore." I then said, "Sir," said I, "I shall be obliged to remove you," and I called the constable up to give him in charge; I said, "I shall give you in charge whether you shall leave the court, not to attend again during that day or go to Bridewell for 24 hours." He appeared not to expect that, and he said, "Well, Sir, I will not do it again." "Well, if you say so, and you express your regret to me, I will not put in force the direction I have given to the policeman." He said, "I am extremely sorry for it." "Sir," said I, "you may take your place again."

5174. Now did you see a Mr. Reynolds there?—I did.

5175. A priest?—A Roman-catholic clergyman.

5176. What is a tally clerk?—A tally clerk?

5177. Yes.—A man I suppose that brings up tallies or writes tallies, I am not sure.

5178. Tallies; they are a certain number of voters brought up to vote together?—Yes.

5179. Did you see Mr. Reynolds acting at all?—I saw him frequently during the day bringing in voters, acting as leader, conductor of voters, and other clergymen, whose names I do not know, appeared to have been bringing up the voters for Mr. Moore and Mr. Palmer.

5180. You have already described how actively they were engaged inside elsewhere; well now, did Mr. Reynolds vote himself?—If you will allow me to see the poll-book I will tell you.

5181. Did you see Mr. Conway upon that occasion?—I did.

5182. He voted in Kilmain?—He voted the first person in my booth; he jumped on the table; when I went to open the booth Mr. Conway took possession of the clerk of the peace's box, which was under the bench where I sat.

5183. *Committee.*] When was this?—At the opening of the booth; I could not see him when he was there, and I told the agents on each side that I had arranged that that place should be occupied by the tally clerks or the check clerks. He took the hint and he left it and went to the side box, and in doing so he jumped on the table and said, "You will record my vote, you will take my vote." At this time we were arranging as to what way the voters should be brought up; in what tallies; he jumped on the table and said, "Record my vote."

5184. Mr. *O'Malley.*] Well now, did you observe his conduct and demeanor especially during the day.—I very much regret to say I did.

5185. Now describe that. —He was constantly during the day in my presence looking at voters, telling voters to vote right. In one instance he raised his hand to a man to threaten him; I caught him at the time and I checked him, and told him, that if that occurred again I should certainly give him in charge to the police.

5186. Now had you occasion during the day, with reference to Mr. Conway, to send for the stipendiary magistrate?—Not on that day; I think not.

5187. Well, the next day. I should have asked you before coming to that whether this conduct of the priests on the Monday continued on the Tuesday?—It did.

5188. Did

5188. Did it appear to you to increase or diminish on the Tuesday?—I think it was increased.

5189. Increased?—Increased.

5190. Well, now, on the Tuesday, did you find it necessary at one time to send for the stipendiary magistrate?—Yes; an application had been made to me, I think, on the Tuesday, and the adjournment of the poll took place. Previous to the adjournment an application had been made to me to issue a warrant to commit Mr. Conway to prison, for, I think, the interruption to the voters coming to the poll; and the application was grounded upon an affidavit sworn by Mr. Burke, of Ower. The acts which this affidavit related to——

5191. You must not tell us the contents of the affidavit.—The contents related to the proceedings.

5192. Have you the affidavit?—I have not got the affidavit now, but it was in my possession.

5193. Where is it now?—It was given, I think, to the authorities after the election to prosecute Mr. Conway, but I did not conceive that I had jurisdiction to deal with the case, and issue a warrant for his arrest, but I wished at the same time to carry the game on, in order to get Mr. Conway quietly out of the place; and I sent for him and told him that there was a very serious charge made against him; that I would give him until the following morning; that I would supply him with a copy, and give him until the following morning to answer the charges. I told him that I would give him until the following morning to answer the charges contained in the affidavit, and that if he did not do so I would be very reluctantly obliged to deal in a very summary way with him. He left the court immediately after the poll was adjourned, and during that evening he called upon me at my hotel. I sat down, and gave him a copy of the affidavit that was then in my possession. He compared it word for word, initialed some interlineations that were in the copy, and he left that evening. I saw him drive down on the top of a coach through the town waving his hat; a coach and a pair of horses, going at a rapid rate. I did not see him afterwards in Ballinrobe.

5194. Now he did not send you the answer that he told you to expect?—He did not appear until I left Ballinrobe, and I was very glad of it.

5195. You sending for a stipendiary magistrate?—Yes, I recollect that.

5196. Was that in consequence of this information which you had received?—No; I think it was on another matter that occurred. He was in the body of the hall, interrupting the voters, and threatening. That was within my jurisdiction, I thought, and I sent for the stipendiary magistrate.

5197. *Committee.*] What day was that?—I am disposed to think it was on the Monday. I then sent for the stipendiary magistrate, and I told him exactly what I felt I would be compelled to do; namely, to give this reverend gentleman into custody; and I asked him what did he think about the state of the town; would it be a prudent or safe act to do?

5198. Mr. *O'Malley.*] He gave you advice, however, that prevented your doing it, did he not?—Yes, I did not do it; and I thought the next best thing would be,—the next thing I did was to take him on the bench, to order him to come round from where he was, and to sit beside me on the bench. I told him that he should remain there until the day's proceedings closed, and if he did not do so he should go out of the court in charge of the police. I got him by my side on the bench, and kept him there.

5199. Do you remember Mr. Blake being there?—Yes.

5200. He is deputy lieutenant of the county?—Yes.

5201. Did he speak to Mr. Conway when he came on?—He made an effort to; he saluted him.

5202. What did Mr. Conway say?—He said, "Oh, sir, I do not know you; I knew you once, but since you have taken up with that miscreant, Higgins, I will have nothing to say to you.

5203. Was that said in a whisper?—A whisper! There were half-a-dozen there; all the people that were immediately adjoining heard it.

5204. Was Colonel Higgins himself close by at the moment?—Yes; he was on the bench at the time.

5205. Near enough to hear that?—Yes, he heard it, I am sure.

5206. Well, now, I want to ask you when you had the honour of Mr. Conway's company on the bench, did he say anything about the archbishop?—Yes; at a

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lull in the polling he was very condescending to me; he spoke of the duties I had to discharge, and volunteered a conversation about Colonel Higgins, sufficiently audible that any one about me could hear him. He said that he owed no enmity to Colonel Higgins, no enmity personally; that he had brought all this upon himself; that if he had only waited upon the Archbishop of Tuam previous to the election, he should not have been troubled with all that work.

5207. *Committee.*] You mean Archbishop M'Hale?—Archbishop M'Hale; the words he used were "Archbishop of Tuam."

5208. Mr. *O'Malley.*] Although you are a Roman-catholic, the priests do not call any one the Archbishop of Tuam but Mr. M'Hale?—I would call him Archbishop of Tuam.

5209. The Protestant is a bishop?—There is no Protestant archbishop of Tuam.

5210. Well now, you adjourned the poll on the Tuesday?—I did.

5211. Can you tell us at what hour?—If you will have the kindness to let me look at the poll-book, I will tell you.

5212. Have you seen Mr. Conway in London since you came over?—Yes, I have frequently.

5213. In the Lobby?—In the Lobby and the House of Lords.

5214. In the Lobby of the House of Lords?—In this Lobby, and in the House of Lords on Saturday last.

5215. Now tell the Committee at what hour you adjourned the poll (*handing the Poll-book to the Witness*)?—At ten minutes past one on Tuesday, the 7th of April.

5216. Did you adjourn it on sworn affidavits?—I shall read to you the grounds on which I adjourned it; there were three affidavits.

5217. *Committee.*] Are they in the poll-book?—They are referred to in this minute that I put upon the poll-book, and I have them in my pocket.

The *Chairman* inquired whether there was any objection to read the affidavits?

Mr. *Buchanan* objected to the reading of the affidavits.

5218. Mr. *O'Malley.*] I am not sure that that is a question I can put.—I can refresh my memory.

5219. Mr. *Buchanan.*] Is that in your own handwriting?—It is signed by me.

5220. Is it in your own handwriting?—No; it is signed by me.

Mr. *Buchanan.*] Close the book, if you please.—(*The Witness closed the book*).

5221. Mr. *O'Malley.*] First of all, when did you see that memorandum made?—I made it immediately upon the adjournment of the poll; I have the draft of it in my own handwriting.

5222. You made a draft?—I did.

5223. Have you the draft here?—It is at my hotel, within five minutes of this.

5224. Did you read it when you put it down?—I did.

5225. How soon did you close the poll?—Before the book was sealed up for the day.

5226. And then you found it to be correct?—Yes.

5227. And signed it?—I made an alteration.

5228. Tell us your reasons for closing the poll, now?—Earlier in the day there was an application made to me to adjourn the poll, and the grounds upon which I was asked to adjourn the poll were these: the application was made by Colonel Higgins's agent. I did not conceive that there were sufficient reasons given for the adjournment of the poll in the first instance, and I refused to adjourn it; I did not comply with the application; there was a second application made later in the day, which I considered still defective, and I did not adjourn the poll on the second application; then about one o'clock, I think, a third application was made, I examined a voter on his oath, of the name of James Burke, who was on the table at the time.

5229. I do not ask you what the voter said; my friend can get it if he likes?—I sent for the police-officers, and I think the stipendiary magistrate.

5230. You

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5230. You have the affidavits upon which you proceeded?—I have.

5231. And you have them here now?—I have.

5232. Produce them?—Yes. (*The Witness produced the same.*)

5233. Leave them on the table; they are not to be considered in evidence, unless my friend adverts to them; if he does he may have them afterwards. Well, now, after the election on the Wednesday, you left Ballinrobe, I believe?—Yes; I got out of it as quickly as I could.

5234. As you were going out, what time of the day was it?—It was immediately on the close of the poll at four o'clock.

5235. Had you an escort?—Yes, I had an escort.

5236. Now when you were going away, did you pass by where Mr. Moore was addressing the mob; did you pass through the mob he was addressing?—Yes; I first attempted to avoid the crowd, and Mr. Moore; and I told the officer in command of the escort to go forward, as I thought it likely I would by that way avoid passing the mob to my left; after I went a little distance, we ascertained that we were going quite wrong; we turned back, we had no other alternative but to pass through this crowd, and Mr. Moore was at the time addressing them from a window.

4237. Now did you hear what he said?—I heard a portion of what he said, and I saw what he did.

5238. Now just tell us what you heard him say, and what he did?—He pointed in the direction where I was. "And that man, too," that is all that I could collect; that was sufficient to tell the mob, that was sufficient to point the attention of the mob, and they commenced yelling, they commenced shouting, and I had to pass under his window, in fact, to defile through his mob.

5239. When you say they commenced shouting, was it a quiet shout, or was there violence in the manner of the people; just tell us; describe the mob at that moment after those words were uttered?—They shouted and yelled and hooted, and several people shook their fists in my face, others sticks in a raised attitude, and immediately passing under Mr. Moore's window, I became alarmed, and I said to him, "Mr. Moore, recollect I bear the poll-books, and in the name of Her Majesty I call upon you to protect me." "Aye," said he, "I know you bear the poll-books, and I trust you shall not tamper with them;" that is what he said. I passed on immediately after; the excitement became very great, and a shower of stones followed me, one of which passed by my left ear, another struck one of the dragoons at the back of the head. I got out of the town well. After I got about two miles on my way, I thought I was held more to public attention by having the military with me, and I dismissed them and I went quietly on to Castlebar.

5240. Now when you told us of the state of excitement, did you observe the town also on both Monday and Tuesday in a state of great excitement?—In a state of very great excitement.

5241. When you say excitement, what would you say was the character of the mob?—Very violent; stone-throwing, striking with sticks, bludgeons.

5242. Were you escorted to the polling-place?—Yes, after I became known I had to be escorted going to the polling-place, and returning from.

5243. Well, now, once or twice, I believe, the military had to act?—In the town?

5244. In the town?—I heard so; I recollect one instance of that.

5245. Now just tell us.—I was proceeding to dine at Captain Arabin's, the stipendiary magistrate, and approaching his house, I saw a number of people running; I saw the military in hot pursuit after them, with charged bayonets; I saw one or two people knocked down.

5246. What day was that?—That was the day on which the poll was adjourned.

5247. *Committee.*] That was on Wednesday?—No, that was on Tuesday.

5248. Mr. *O'Malley.*] Did you know the committee-room of Mr. Moore and Mr. Palmer at Castlebar?—No, I knew where Mr. Palmer resided.

Cross-examined by Mr. *Buchanan.*

5249. You say that you reside in the county of Roscommon?—I have a residence there, with my father.

5250. You have no residence in Mayo?—No residence in Mayo.

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5251. Not connected in any possible way with Mayo?—Not connected in the slightest.

5252. May I ask you who brought you to Mayo at the time of the election?—Captain Fitzpatrick Higgins.

3253. The high sheriff?—The high sheriff.

5254. How did you come to know Captain Higgins?—I have known him for five years; perhaps more.

5255. Before we proceed further; you told my friend that you were aware that it was necessary that a man should be a 50 *l.* freeholder to be a deputy sheriff?—Yes.

5256. Have you a 50 *l.* qualification?—Yes; I believe more than 50 *l.*

5257. Where?—The lands of Durham Abbey, in the county of Roscommon.

5258. Are you registered in the county of Roscommon as a 50 *l.* elector?—No; because I have got this property only lately.

5259. Then you are not a registered elector of the county of Roscommon?—No.

5260. Nor of the county of Mayo?—No.

5261. Nor of any county in Ireland?—The county of the city of Dublin.

5262. Are you a 50 *l.* freeholder of the county of the city of Dublin?—No; I am a voter of the city of Dublin.

5263. Is that as a freeman?—No; as a householder.

5264. But you are not a registered freeholder in any county in Ireland?—No.

5265. How long do you know Colonel Higgins?—I think since some short time previous to his being returned to Parliament.

5266. Then, from your first acquaintance with Colonel Higgins you have been an active partisan of his?—A partisan?

5267. Yes.—I have been a very great friend of his.

5268. Have you not been a partisan of Colonel Higgins's?—Do you mean by partisan, being attached to his party?

5269. Yes.—Yes, certainly.

5270. Have you not attended at meetings where you have spoken in favour of Colonel Higgins?—I never attended a public meeting where I spoke in favour of Colonel Higgins.

5271. Never?—I am not a public speaker.

5272. You are quite certain of that?—Most positive.

5273. Did you ever attend a meeting in Dublin where Mr. George Henry Moore, the sitting Member, was in the chair?—I had that honour.

5274. I thought you never attended a public meeting?—I never attended a public meeting where I spoke of Colonel Higgins. If you will state what evidence I gave, and not misstate it, I will be obliged to you.

5275. I did not do so intentionally; you shall correct me if I do; you are perfectly able to do so; of that I am satisfied. Did you address that meeting in favour of Colonel Higgins?—I never mentioned Colonel Higgins's name; it was not necessary at the time.

5276. Did you make a speech at that meeting?—Will you fix my attention to the meeting that you allude to?

5277. It was a meeting in Dublin, at which the conduct of Judge Keogh, Mr. Sadleir, and Mr. Higgins was brought before the meeting?—I was not aware that Colonel Higgins's name was brought before the meeting at the time.

5278. That is not an answer to my question. Were you at a meeting where those three persons' names were brought into question?—No, I was not.

5279. Were you at the meeting that I allude to?—If you mean by that meeting a meeting of the Religious Equality Association, in a drawing-room in Sackville-street, I was.

5280. Did you address that meeting?—I do not call it addressing the meeting; I moved an amendment to a resolution.

5281. Well, did you make a speech?—Well, I thought it right to introduce my amendment by a few words.

5282. The room was a public meeting?—I should explain to the Committee how it became public.

5283. I ask you the question; was it or not a public meeting?—It was, and it was not, a public meeting; the first part of the proceedings was not public.

5284. The latter was?—I was invited, as the public were, to go up-stairs to this religious equality meeting. There was a man below stairs; I do not think he had

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had a bill in his hand; but he was crying out that the meeting was going on upstairs. I went up to the meeting, as it afterwards appeared, when the proceedings were of a private nature. I took my seat with a number of other people wishing the cause well; and Mr. Frederick Lucas, of "The Tablet," stood up, and stated, "It will not be well," he said, "that this very important meeting should be allowed to separate without passing a vote of censure on the men who have deserted the popular cause." He said, "I have penned a resolution, and I will hand it about;" so that it came round. I happened to be sitting between Mr. Charles Gavan Duffy and some other gentleman that was there at the time; and it came to me to read, and I read it. Mr. Keogh, now Judge Keogh, a very great friend of mine. I did not conceive that it would be well to allow it to go forward on the wings of the press, next morning, that they were deemed——

5285. I am not asking all this?—I should like to explain it.

5286. *Committee.*] Did you, in the course of your address, mention Colonel Higgins's name?—Certainly not.

5287. Your explanation was to show that this was not a public meeting?—Yes.

5288. Mr. *Buchanan.*] Was it not a public meeting when you addressed it?—I am going on to that. After I had read that resolution, "Now," said they, "at half-past two we have arranged that the press shall come in, and it shall be public from that time forward." I saw a friend of mine, a Mr. Fitzpatrick, and Mr. O'Brien, a Member of your Honourable House; and I went over, and I moved an amendment.

5289. *Committee.*] Did you move that amendment at the time that the press was in the room?—Yes; when it became public.

5290. Mr. *Buchanan.*] Do you persist in saying that Colonel Higgins's was not one of those of the Sadleir party?—I did not speak of Colonel Higgins, I only spoke of Mr. Keogh; and I recollect that I stated that my acquaintance with Mr. Sadleir was very slight indeed.

5291. When did you receive an application from the high sheriff to act as deputy sheriff?—From the time Lord Palmerston announced his intention to dissolve; between the time Lord Palmerston said he would dissolve Parliament, and the election.

5292. He asked you to come to Mayo?—The first place I went to was a house of Mr. Moore and Palmer's.

5293. Where did you go?—To Castlebar.

5294. To Castlebar?—To an hotel.

5295. Did you come by coach to Castlebar?—Yes.

5296. You went to Moore and Palmer's committee-room?—I went to the hotel. I went with a Mr. Nolan. I was a stranger. I went opposite the coach-house; an hotel.

5297. What day was that?—That was the morning of the nomination. I travelled all night, and got in about half-past seven or eight in the morning.

5298. How long before that do you charge your memory that the high sheriff had seen you?—I think three or four weeks.

5299. Did you go from that hotel to Colonel Higgins's committee-room?—I went first to the high sheriff.

5300. That was at the post-office immediately opposite the committee-room?—Yes; nearly opposite the committee-room.

5301. That is, opposite Colonel Higgins's committee-room?—Yes.

5302. Did you go to Colonel Higgins's committee-room?—Yes.

5303. You saw him there?—I did.

5304. And his friends?—Yes, a great number of friends.

5305. Did you accompany him from that committee-room to the hustings?—I am not very clear upon that, but it is quite likely I did.

5306. Were you not standing upon the hustings beside Colonel Higgins?—Yes, certainly; quite close to Captain Fitzpatrick Higgins too.

5307. You are aware that the high sheriff had divided the court-house, giving each party a particular place?—I do not know about the arrangements.

5308. Were not Colonel Higgins's friends and supporters beside the high sheriff?—Certanly they were; but I do not know by what arrangement.

5309. Were not Captain Palmer's friends in the grand jury gallery?—He addressed them from the gallery, I recollect.

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5310. Were they not separated?—They were separated.

5311. Captain Palmer's supporters in one part of the court-house, and Colonel Higgins's supporters on the bench?—I was on the bench.

5312. Colonel Higgins spoke on that occasion?—He did.

5313. You applauded him very warmly?—Yes; parts of his speech that I liked.

5314. Cheered him and cried "hear, hear"?—Yes, I did.

5315. Pretty stoutly too?—Indeed, according to the way I felt.

5316. You heard Captain Palmer's proposer and seconder speak, and himself?—I did.

5317. Did you happen to express an opposite opinion when they were talking?—I think there were one or two principles that he spoke in his speech that I applauded.

5318. Do you consider that an answer to my question?—I confess I do.

5319. You confess you do?—It may be my misfortune, but I think it is an answer to your question.

5320. I ask you; you heard Captain Palmer's proposer and seconder speak, and I ask you, did you express your feelings of an opposite nature?—I am quite sure I did not.

5321. Did you when Captain Palmer spoke?—Yes, I did.

5322. To be sure you did?—I did.

5323. You said, "No, no"?—On the contrary, I said "Hear, hear."

5324. I ask you now; you say now that as to two portions you did, I ask you, during the other portions did you express your dissent?—Of course I dissented.

5325. Did you not mean to convey to the Committee just now that you cheered?—I trust the Committee did not understand that.

5326. Then you did express your dissent; let me have it clearly?—Yes, I did; certainly.

5327. And in good round terms too? Pretty loud, did you not?—

5328. Mr. *O'Malley.*] What were the terms?—It was either "Hear, hear," or a "No, no," I suppose.

5329. Mr. *Buchanan.*] After the nomination what did you do with yourself; where did you go; did you go to Colonel Higgins's committee-room?—No, I did not.

5330. Where did you go?—I went back to the post-office. Captain Higgins asked me whether I would like to go out to his country place.

5331. Did you go to Colonel Higgins's committee-room?—Yes; the room opposite; yes.

5332. Where did you go from that; in fact, did you go home that night with Colonel Higgins and his father?—Upon my solemn oath I did not.

5333. You did not?—I refused to go.

5334. He asked you to go?—He did; but I refused to go.

5335. *Committee.*] The high sheriff's residence?—Yes; that was my objection to go home with him.

5336. Mr. *Buchanan.*] You went the next evening to Ballinrobe?—The next evening.

5337. When you went to Ballinrobe were you driven to this hotel that had a name on it, "Moore and Palmer's committee-room," or something of that sort?—Yes.

5338. And you went into the house and took your bed there?—No; I did not stir off the car till the waiter came out, and I asked him, could I have bedroom accommodation, and he said I could. I asked him to permit me to see the room, and I went up stairs.

5339. And you got a bedroom, and walked there? You came to Mayo to be a deputy sheriff, and brought by the father of one of the candidates. Do you consider that you were acting properly in going and putting up at the committee-room of the opposite party?—I considered that I was certain to be in the safest hotel.

5340. Have you acted at elections before now?—Yes.

5341. You

5341. You have?—Yes.

5342. A good many?—I have some experience.

5343. Have you ever taken committee-rooms or polling-booths; tally-rooms, for a candidate?—I do not think I ever acted as conducting agent at an election.

5344. Do you know that rooms were taken?—I never took any.

5345. I did not ask you did you know that of your own knowledge?—I have seen rooms placarded with the names of the candidates.

5346. Do you think the candidates paid for that?—If you ask me for my thoughts, I never had to pay, I never saw it paid.

5347. You therefore considered it right at this hotel on which the names of the opposite candidates were written; you considered it right, as deputy sheriff, to go and live in that house?—I never made a demur to it. The driver of the car drove me there. I did not like to go to Mr. Monahan's hotel, because that was where Mr. Higgins's committee were.

5348. But you went good naturedly, being a supporter of Mr. Higgins, to the opposite room?—The man drove me there.

5349. On the next day you proceeded to open the booth?—Yes.

5350. Were you sworn as a deputy sheriff?—I was.

5351. You were?—I was.

5352. When?—On the 4th of April or the 5th of April; my oath is here, and my signature to it (*pointing to the poll-book*).

5353. Let me have that?—Yes. (*The poll-book was handed to the learned counsel.*)

5354. You were sworn by the high sheriff?—I am not sure whether it was by the high sheriff or his son.

5355. When you opened that booth what was the first thing you did?—I conceived it to be right to counsel the people to observe good order and good conduct.

5356. You, in fact, in other words, made a speech, did you not?—I do not think it was a speech in your meaning.

5357. Perhaps you will give your meaning?—I shall give you the speech, if you like.

5358. I have no great curiosity to have it. I do not want a second edition of it; just give me the purport of it; you do not happen to have it writing, do you?—I will give you the paper, for I have it in writing, as I delivered it. I could speak it very well, but I have it in substance. I gave it in substance, and I have it in notes here (*producing some notes*).

5359. Is it in your own handwriting?—It is.

5360. Is it?—It is.

5361. Do not be alarmed; it is in your own handwriting?—Yes.

5362. It is there with all its corrections as you spoke it?—It was a speech; it was an advice, particularly directed to the clergy.

5363. Perhaps you will just tell me now?—Does the Committee consider it pertinent; am I to go through this thing?

5364. I must ask you to tell me what you did say?—I will give you some of the substance of it.

5365. No. If you give me anything give me the words.—Well, then, I said, "Gentlemen." I said——

5366. Now, this was at the opening of the poll on Monday morning?—Yes. I said, "Gentlemen,—In opening the poll here this day, for the purpose of receiving the votes of the electors of the barony of Kilmain, I will take leave to observe, that in proportion to the grave and serious responsibility that is cast upon me by the law, fairly, fearlessly, and impartially to discharge my duty, in the same proportion does the law arm me with the fullest and most ample power and authority to preserve the dignity, order, and decorum that should, and I trust shall, prevail during the entire of these proceedings."

5367. Was there any "Hear, hear," when you said that?—I may tell you that I was very much pleased with the way the people listened, and that I thought it would have had a much different effect.

5368. Now the second part of it.—"As nothing, I hope, shall be wanting on my part to give every side fair play, and a patient and attentive hearing, so in return shall I expect to receive that support and consideration which the lovers

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of justice and fair play are always willing to accord to a person placed as I am in a responsible ministerial position." Would you like more of it?

5369. Yes, it is too good to be lost.—" I shall, I trust, bring to my aid a calm judgment, unimpassioned feelings, cautious prudence, but, if necessary, determined and decisive measures." I said, " This, no doubt, is a period when almost a universal liberation from restraint of every kind is attained, when the passions of the people are unchained, when excitement, distraction, and tumult prevail, that there is, therefore, a greater necessity for coolness and moderation. But however difficult it might be to restrain the passions of the people outside the court, I ardently desired that in this place the cause of order should prevail, and that reason, even though for a time, should resume her throne." When I spoke I saw several clergymen at my righthand side, and I had a little part of this ready for them. I say, then, " To those whose mission it is to instruct and edify the people by example, I will say nothing should be done on this occasion by them unworthy the sublime dignity, the sacred vocation and elevated character of a priest, but, on the contrary, they should teach patience, moderation, and obedience to the law. That the professional gentleman who had been nominated to, and appointed by me, to act on behalf of the respective candidates, would, I felt assured, unless their character had been completely revolutionised, teach an example to others by observing that gentlemanly demeanor and propriety of conduct which had always been their distinguishing characteristic." Then I said, " But, gentlemen, on the other hand, if there is anything like a tendency to disturb the peace and good order of this court in the slightest degree by lay or clerical, I should indeed grieve to see the minister of God so far forget himself as to descend from the calm, serene air of Christian philosophy to become the electioneering agent of any party. That I should firmly, determinedly, unflinchingly, and at all hazards, vindicate and carry out the law." I read them the section of the Act upon intimidation and threatening, and I said that the first one that interrupted me I would give him in charge, and lock him up for 24 hours.

5370. Have you read it all?—No; there is a great deal of stuff and nonsense in it.

5371. Now give us the whole of it; we ought to have the full benefit of it?—Unfortunately it is not numbered.

5372. Number the pages of it and give it us consecutively?—" Education and civilisation have a powerful effect in softening the savage passions," I said, " of the human breast, and checking the crimes of violence which originate in their indulgence. To the educated and civilised I therefore appeal, to strengthen my power, by giving me support."

5373. *Committee.* Does the office of deputy sheriff give magisterial power, whether the person is a magistrate or not?—It does.

5374. Mr. *Buchanan.*] Will you undertake to say that you did not say anything more than what is contained in these papers?—My intention at starting was not to say anything more than is there.

5375. I do not ask about your intention at starting; I ask you a fact, did you say anything more upon that occasion than is contained in these papers that you have read to us?—I opened the booth and read them the section of the Act of Parliament.

5376. I ask you, did you say anything else except what is in these papers?—If you know anything more, I would be glad if you would remind me of it.

5377. Did you hold up any pastoral lecture of Dr. Cullen's?—Yes; I alluded to a letter of Dr. Cullen's, that recommended the observance of order and teaching by example.

5378. You had portions of it marked with red ink, had you not?—I have that paper in town.

5379. Is that an answer to my question?—Allow me to see the paper before I tell you whether it is black or red ink.

5380. You cannot say whether it was marked or not; did you say upon that occasion that you had seen Dr. Cullen before you had come down?—I did not, for I had not seen him.

5381. You had not seen him?—No.

5382. Did you say that upon another occasion?—I never recollect saying that to any one.

5383. Now

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5383. Now was it the first night after you came there, that you saw those persons into the hotel?—Yes.

5384. Did you make the persons of the hotel aware that you had come to Ballinrobe as one of the deputy sheriffs?—I did not take the trouble of informing them of what character I came in, but I believe the servant man, the driver of the car, as I afterwards learnt, kept on the game he started with—that I was a bagman.

5385. Is it not a fact that the whole of the house were under the impression that you were a bagman or a commercial traveller?—I am not certain whether they were when I took my bedroom; when I went into the hotel, they did not know who I was or what I was.

5386. You say that your driver told them?—My driver told them I was a commercial man.

5387. Were they not under that impression?—Not at the time I either took my bed or had my dinner.

5388. Did you undeceive them; you say that when you drove to the door your driver told them that you were a bagman?—I did not state so; I state that from a circumstance that afterwards occurred, that my driver informed them I was a bagman, but I do not know.

5389. Will you take upon yourself to say positively that they did not take you to be a bagman at first?—Most certainly not; my driver sat on his seat with the reins in his hands; I went up stairs to my bedroom, and the agreement for the bed was with the young lady.

5390. Does that bear you out in saying that they did not know what capacity you came in?—Not at that time.

5391. Did any conversation arise which enables you to state positively that they knew in what character you came?—I believe that they did not know in what character I came.

5392. Now, you saw those men coming up the staircase?—My attention was called to them.

5393. You were under the same impression that they were voters or connected with the election?—They stated that they would vote right if they were allowed to go out and go home.

5394. Do you believe that they were voters of Colonel Higgins?—I believe they were people that escaped from Colonel Higgins's committee-room, which was quite close to it.

5395. I ask you did you consider it proper, as a deputy sheriff, after seeing a transaction occur that left no doubt in your mind that voters of the opposite party were in the house; I ask you did you act properly in continuing in that house?—As much so as the police officers that remained there; they saw that too.

5396. You considered it proper to hear the observations made in reference to the voters of the opposite party?—When the waiter came into the room immediately after that, in the presence of a police officer, I said to him, "You have left yourself open to serious consequences, and you ought not to be guilty of such conduct again."

5397. You had no compunction at hearing anything of the opposite party, you being a partisan of Colonel Higgins's?—No compunction, in what way? be good enough to repeat your question again. Repeat that question again, if you please.

5398. I said had you no compunction as a gentleman in hearing observations in a tally-room belonging to the opposite party, you being a partisan of Colonel Higgins?—I felt that the conduct of the waiter was not right.

5399. Do you consider, as a gentleman, that you were acting the part of a gentleman in continuing in a house where you could hear these observations, you being a partisan of Colonel Higgins?—To be candid, I did not think an election matter of that kind of much importance. I thought it was a fair electioneering dodge.

5400. *Committee.*] When you say "electioneering dodge," to do what?—To get voters and retain them.

5401. Mr. *Buchanan.*] You thought it proper to remain there?—When I could get nowhere else.

5402. Did you try?—Not after that; not after coming into the town.

5403. Why did you not, after that, try for lodgings?—Believing that I could not get them.

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5404. Did you try?—No, I did not.

5405. Was it upon that night that any application was made to you to leave the hotel?—No, not that night.

5406. *Committee.*] You had no authority in this hotel?—Do you mean under the Act of Parliament?

5407. Your office of deputy sheriff did not give you any authority in the hotel?—That I do not know. It is a question of law, I believe.

5408. Mr. *Buchanan.*] Was it the night following that a transaction occurred that I am going to allude to?—Allude to the transaction, and I will tell you.

5409. Was there the night following any application made to you to leave the hotel?—At the hour of about one in the morning, when I was in bed, some three-quarters of an hour. After discharging the escort of two or three police that were placed as a protection upon the poll-books, I retired to bed.

5410. *Committee.*] On what night?—Tuesday; the second day of the polling. I was in bed about three-quarters of an hour; not asleep. I heard a great noise on the stairs; a person arguing one with another; I listened, and I heard a man say, "Go up and tell him that he must leave this house at once; he has no right to be here; the house belongs to Mr. Moore and Mr. Palmer." I may tell the Committee that this has been made the subject of an action.

5411. Mr. *Buchanan.*] Never mind that; we will come to that by-and-by. Did any person come into your room after that?—The waiter, then, or the young lady of the house, said, "Oh! I could not do so; the gentleman has been stopping here since Sunday night." "You must go," he said; "you must go upstairs; the place belongs to Mr. Moore and Mr. Palmer, and he has no right to be here." The waiter came up to my room, and knocked at the outside door. There were two doors leading to my room; one leading out of the lobby, and the other into the sitting-room that I made use of. He came to the door of the sitting-room, and he knocked. I did not answer him the first time he knocked. He knocked again. I said, "Who the —— is there?"

5412. Did you open the door?—I did not. I had the door bolted. "I am the waiter, sir," said he; "and Mr. Sheridan, the agent of Mr. Moore and Mr. Palmer, is below stairs, and he requires you forthwith to leave the hotel." "And who the devil is Mr. Sheridan?" said I to him. And it was in answer to that question that he told me who he was. I told him to tell Mr. Sheridan to go about his business, and not to be annoying me or any one else.

5413. *Committee.*] What time was this?—About 1 o'clock in the morning. He went back, and when he got to the room door Mr. Sheridan had advanced upstairs; I heard conversation go forward in this way:—He said "Oh! Sir, he will not leave." "I insist upon his going." I did not know exactly what the consequence would be of being expelled into the street at that hour of the night with the poll books; I put on loosely my clothes, and bolted the door that went into the room looking into the street; and I pushed the window up, and cried out for the aid of the police.

5414. Mr. *Buchanan.*] Did the police come in?—They did.

5415. You opened the drawing-room door, that is the room outside your bedroom?—Yes.

5416. And you gave Mr. Sheridan into custody?—I did not say that.

5417. Did you?—I did not; the police came up with Mr. Sheridan; accompanying Mr. Sheridan, was the Reverend Mr. Curley, who took a very active part in the proceedings of that election, and in my booth. He was with Mr. Sheridan when the police rushed upstairs; I went back to dress myself; with the police came one of the stipendiary magistrates, Mr. Arabin.

5418. Was that when you called out of the window?—A magistrate came in.

5419. A magistrate?—There were three other magistrates in the town; Mr. Arabin stated that we had better wait till the other magistrates came in.

5420. *Committee.*] Did you say that you gave Mr. Sheridan into custody?—I did not say so.

5421. Were these police patrolling?—Yes. On that night there was an information sworn of an attack on Mr. Tighe's house; there were several thousand people, and the military were under arms all night; and all the available police were patrolling the streets.

5422. Mr.

5422. Mr. *Buchanan.* He was in custody of the police?—No, I believe not, for he left the house immediately after. I then stated to the magistrates——

5423. Had you not an inquiry in the room outside your bedroom, with reference to Mr. Sheridan?—No; other magistrates came in; Mr. Sheil, and after him Captain Butler, who happened to come into the town that night. I stated to the magistrates——

5424. It ended by Mr. Sheridan leaving the house?—He then preferred a charge (he was weak enough) of being a trespasser. The magistrates heard his charge; they heard my cross charge; the lady of the house was called up: she stated that I had taken the room at the hotel; that the bedroom did not belong to Mr. Moore and Palmer, and that in the agreement with her they were expressly excluded from it; that they only took the committee-room, and that she felt bound to let the room to me.

5425. Mr. Sheridan went away, and it ended in an action at law?—He withdrew; the police required him to withdraw; the magistrates told him to withdraw; that he had no right to annoy me at that hour of the night; and two policemen were in the sitting-room all night, and a guard outside the door.

5426. And an action is now pending?—An action has been instituted against me.

5427. Did you continue, notwithstanding that, to remain in the house?—Certainly; after the lady of the hotel proved before the magistrates that the rooms were hers, and that she had let the room to me, I conceived that my bed-room was my castle, and I kept it.

5428. And then you continued in the house?—I did.

5429. Until you left the town?—I did.

5430. Now, on the second day of the election, you say, that some reason existed for adjourning the poll?—Yes.

5431. Did you adjourn the poll on the first day?—I closed the poll at four o'clock.

5432. During the hours of polling, between nine o'clock and four o'clock, did you adjourn the polling for an hour?—No.

5433. Was the booth closed at any time between nine o'clock and four o'clock?—On my solemn oath it was not.

5434. Did you, during the Monday, say that you would adjourn the poll?—I stated that if the clergy (the Rev. Mr. Conway) continued haranging the mob outside the court, in the streets; I stated that if there were any repetition of the many applications that were made to me by voters, and particularly by a Mr. Griffin, for protection; that if they persisted in such conduct, that I would carry into effect the law.

5435. Then, on the Tuesday, you did adjourn the poll?—Yes.

5436. After the adjournment, was there any letter of remonstrance addressed to you, with reference to adjourning the poll?—By whom? I got two letters that day.

5437. I want you to tell me whether any gentlemen in the town of Ballinrobe, on that Tuesday, addressed any letter to you with reference to closing the poll?—They addressed a letter to me.

5438. Mr. *O'Malley.*] Do not tell us what the letter was.

5439. Mr. *Karslake.*] Have you the original letter; that is the letter you got?—Yes. (*The letter was marked by the Chairman for the purpose of identification.*)

5440. *Committee.*] Was it one or two letters that you received?—You would like perhaps to fix this. I had two letters on that day; perhaps you would fix the letter you wish me to put in.

5441. Mr. *O'Malley.*] There is one; put it in your pocket if they don't want to put it in. (*Handing the letter to the Witness.*)

5442. Mr. *Buchanan.*] Did you get another letter that day?—Yes. (*The letter was marked by the Chairman for the purpose of identification.*)

5443. You say that it was in consequence of applications made to you that you adjourned the poll?—Yes; the grounds upon which I adjourned the poll are stated in the poll-book.

5444. I ask you now, you have been at other elections; was the state of the booth such that you could not have polled the electors that day?—Do you mean the first day?

 5445. Yes.—

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5445. Yes.—We were kept as busy as we possibly could.

5446. I beg pardon; the second day?—We polled all that came forward to poll.

5447. You polled all that came forward?—Yes.

5448. On the second day?—Yes, up to that hour.

5449. *Committee.*] Up to what time?—Up to the time of the adjournment of the poll.

5450. What time was that?—Twelve minutes past one.

5451. Mr. *Buchanan.*] On the second day?—Yes.

5452. Were there any more voters to be polled at that time?—I am not prepared to say.

5453. Were there any in court; were there any in the room?—None actually tendered, but stated to be in court by Mr. Blake.

5454. That was Captain Palmer's agent?—Yes.

5455. That he had voters in court to poll?—Yes.

5456. And though he stated that, you adjourned the poll?—The poll had been adjourned at this time.

5457. Had you not a force of constabulary at that time?—Very insufficient force, or I should have removed Mr. Conway the day before.

5458. What do you mean by very inefficient?—I said very insufficient.

5459. I beg your pardon; had you no military in the town?—Yes, some military.

5460. Can you tell me how many?—Indeed I cannot say.

5461. *Committee.*] Do you consider the whole of the military a force at your command?—No.

5462. Mr. *Buchanan.*] Were the resident magistrates in the town?—No; at one period of the day, on the Tuesday, it so happened that all the stipendiary magistrates were absent.

5463. Were there any deputed magistrates in town?—I believe so; but I did not know any of them; I did not know any of the deputed magistrates.

5464. Is it not the fact that a deputed magistrate will, if called upon, clear the booth, or do any other act?—I have full power to do that myself; and I never delegated my authority.

5465. Had you not full power to clear the booth?—I never tried it; there were a dozen police immediately in the booth; there was no occasion the first day to clear the booth.

5466. *Committee.*] The first day?—The first day there was no great necessity. The only thing I had to do was to remove the Roman-catholic clergymen from the body of the hall.

5467. Mr. *Buchanan.*] Then, the first day, the voting went on rapidly?—Yes.

5468. On the Tuesday, when you adjourned the poll, did you see the state of the town yourself?—I did.

5469. I think you have given us evidence that nothing could be worse than it was?—Nothing indeed could be worse. I went to my hotel.

5470. Utterly impossible to bring up voters?—Certainly, in the interest of Colonel Higgins.

5471. *Committee.*] You mean without an escort?—Without an escort. I saw the voters at my hotel when I went back.

5472. Had the poll closed?—Yes; about six car-loads of voters who had polled were afraid to leave the town without an escort. They were waiting for an escort to come up. I saw the people paraded on both sides of the street, shouting and yelling, and raising sticks; and several showers of stones were thrown on them. One man, in particular, I saw aim a deadly blow at another man's temple. I was standing at my hotel door, and I rushed into the crowd, and I seized him by the throat, and pulled him out, and gave him in charge to the police, and had him conveyed to prison.

5473. Am I to understand you that with the powers which you stated to have been at your command, that such was the state of your booth on Tuesday, that the voting could not proceed?—I did not state that.

5474. Well then, could it proceed?—Yes; if the voters were allowed into town.

5475. Tell the Committee what necessity there was for your adjourning the poll at that hour of the day?—An application was made to me more than once.

Two

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Two of them I told you I refused. The third was so strong, and the evidence on oath given so strong as to violence and intimidation, that I considered I would be acting very unfairly indeed if I kept it longer open.

5476. What had the proceedings outside to do with the polling inside?—If you look to the Act——

5477. If the booth under your control was sufficiently quiet for you to poll, what reason had you for adjourning it?—You must first catch your hare. The Act of Parliament imposed upon me the duty of inquiring whether they were interrupted or not.

5478. Do you mean to say, at that hour in the morning, 12 minutes past one, there being three hours of the day proper polling hours, do you mean to say that it was necessary to adjourn the poll?—First, will you establish on what ground I adjourned the poll.

5479. I ask you this: was it any part of your duty to get up voters?—It was from no interruption to the booth that I adjourned the poll.

5480. Now at the time that Mr. Blake told you he had voters ready to poll on that day, did he tell you how many voters he had?—Indeed he did not.

5481. But he said he had?—He stated he had voters up to the last moment I received their votes. I think there was one man on the table, or two at the very moment I was about adjourning the poll, and I received his vote.

5482. Now allow me to remind you some of the voters; do you remember Dr. Twiss voting before you?—I do not know him.

5483. Do you recollect the name of Dr. Hastings Twiss?—Will you be good enough to let me look at the poll-book? (*The poll-book was handed to the Witness.*) Could you tell me what day; was it the first or the second day? (*The poll-book was handed to the learned Counsel.*)

5484. It is the fourth name on that list; do you remember anything about his voting before you? I ask you a question.—I gave you an answer.

5485. Repeat it.—I have no personal recollection of Dr. Hastings Twiss.

5486. Now look at the poll-book, and see 347, a person of the name of Thomas Varelly.—They are not arranged in numerical order.

5487. *Committee.*] Are these all entered in your own handwriting?—No, it is not my duty.

5488. Then how do you know anything about it?—I do not know.

5489. Mr. *Buchanan.*] Can you recollect who was the party who made the affidavit on which you adjourned the poll?—If you will allow me to see the poll-book, I will tell you.

5490. I have not got it.—It was in the poll-book.

5491. All I ask you is, do you know the party?—Yes.

5492. I do not want you to tell me the contents of the affidavit.—There were three written affidavits, and there was one examination on oath.

5493. Do you recollect an affidavit having been made by William Joseph Burke?—I recollect an affidavit made by that gentleman.

5494. Was that affidavit handed up to you?—Yes; an application was made on that affidavit to commit the Rev. Mr. Conway.

5495. Was the affidavit handed up to you on the bench?—It was.

5496. Did you read it?—I did.

5497. What observation did you make?—I made no observation, but I sent for Mr. Conway, and told him that unless he satisfactorily anwered the charges contained in the affidavit, I most certainly, no matter what the consequence might be, I would send him into prison that day.

5498. When that affidavit was handed up was not Mr. Conway in court?—Yes; either in court or somewhere about court; I sent for him and he came, or probably, if he were in court, I called his attention to the circumstances.

5499. In answer to that application, what reply did you make?—What application?

5500. To the application that was made with reference to that affidavit?—The application to commit the Rev. Mr. Conway?

5501. Yes.—I sent for Mr. Conway, and told him as I have already told you.

5502. Who was the person that handed that affidavit to you?—Mr. Rochfort made the application, and he grounded his application upon this affidavit. I read

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the affidavit, and found that the charges in it were very serious against Mr. Conway.

5501*. *Committee.*] The application to commit the Rev. Mr. Conway?—

5502*. Mr. *Buchanan.*] You handed it back to him?—I kept possession of the affidavit; I did not hand it back to him. I took possession of the affidavit, and as the matters were closing for the day, I thought it probably much better and much more prudent to allow Mr. Conway until the following morning to answer the serious charges that were made against him in the affidavit.

5503. Would there have been two affidavits made to you?—No, I think you mistake that; there were three affidavits.

5504. There was a document handed to you from Mr. Burke, of Ower?—Yes.

5505. Did you make the observation to Mr. Burke that that document was not sufficiently strong?—No; such an observation in reference to that affidavit did not escape my lips.

5506. Did you make an observation to the attorney who made the application, that that document was not sufficiently strong to enable you to grant the application?—No; because it was, I regretted to say, too strong against the reverend gentleman; but I made some such observation in reference to the first application that was made to me to adjourn the poll. I declined to do so on the ground stated in that affidavit. I heard a Mr. Rochfort as the agent for Colonel Higgins, and I heard Mr. Palmer and Moore's agent, and I decided in the view that they took.

5507. You were of opinion then that the town was in a disturbed state?—I should rather think so.

5508. Were any of the magistrates in the town of a different opinion?—I dare say there is no subject upon which you will not find men to differ.

5509. Had you any conversation with magistrates upon this matter?—Yes, I had.

5510. First, who was the magistrate you had conversed with?—I do not know them personally.

5511. Did you know the appearance of Colonel Knox?—Yes, he was one.

5512. *Committee.*] You had conversation with him?—Yes, I had a conversation with him in consequence of the letter I received, and which has been handed in.

5513. Mr. *Buchanan.*] I do not want one word about that letter; I am entitled to get from you whatever conversation you had with Colonel Knox, with reference to the state of the town?—Certainly not with respect to the state of the town.

5514. Did Colonel Knox make a remonstrance?—The remonstrance, as you call it, is in writing.

5515. Well, now, did he make any verbal remonstrance to you?—

Mr. *O'Malley.*] I object to that question.

5516. Mr. *Buchanan.*] I ask you whether there was any verbal remonstrance on the part of Colonel Knox to you, with reference to the state of the town?—There was not.

5517. Was there any from Sir Robert Bloss?—There was no remonstrance made from any of them except this letter.

5518. Had you no conversation with them upon that subject; you say you waited on them?—I waited on them; and I will tell you what occurred, if you like.

Mr. *O'Malley.*] No, we cannot have that.

5519. Mr. *Buchanan.*] Do you know who were the deputed magistrates in the town; do you know Mr. Courtenay Kenny?—I do not know him personally. I saw a gentleman who was pointed out to me as Mr. Courtenay Kenny.

5520. You have no doubt that the person pointed out to you was Mr. Courtenay Kenny?—No doubt.

5521. Are you aware that that gentleman was a deputed magistrate?—No.

5522. Did you not apply to him?—You are quite wrong as to my powers and functions.

5523. Do you know whether he ceased to act?—To act! I am not aware that he was acting.

5524. You are not aware?—No; except I was told. I have no personal knowledge. This letter told me.

5525. Now

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5525. Now you say that you went down to where Mr. Moore was addressing what you were pleased to call a mob?—I think I said a crowd of people.

5526. You said that you passed through Mr. Moore's mob; were they not people attending the election?—They were men that were on the streets the entire night and the entire day.

5527. You say that of your own knowledge?—Most positively.

5528. Were you on the street?—No, but I saw them or heard them, for I never slept the first night.

5529. And these were the very people of Mr. Moore?—They were the adherents of Mr. Moore.

5530. You swear that?—I do.

5531. When you were passing down, you say that Mr. Moore addressed some observation with reference to you?—Yes.

5532. Did you not hold up the poll books and clap them in your hands as you passed by in triumph?—Upon my solemn oath I did it as I have described it.

5535. Did you clap the books in that way (*describing*)?—On my solemn oath, I said, "Mr. Moore I bear the poll-books, and in the name of Her Majesty I call upon you to protect them," that is what I said.

5534. Then you passed through the mob?—Then a shower of stones followed.

5535. None of which happened to strike you?—One of them whizzed by my ear and struck a policeman, a mounted dragoon.

5536. But none of them struck you?—None of them struck me.

5537. And these people, with sticks in their hands, none of these people struck you?—No, indeed, they did not. I was surrounded on each side with a troop of dragoons.

5538. Who was the officer in command of the dragoons?—The young officer in charge? I do not know his name.

5539. Captain Grabon?—I cannot tell.

5540. Captain Coney?—I do not know his name.

5541. After you got out of the town, you did not consider it necessary to take their protection beyond a mile or two?—I thought it a hardship upon the dragoons to be obliged to travel 15 miles, and I sent them back. I knew it would attract attention.

5542. You were perfectly unmolested the remainder of the journey?—Perfectly unmolested.

Re-examined by Mr. *O'Malley*.

5543. Now, first of all, with respect to your deputation; you were a friend of Colonel Higgins, the high sheriff?—I was a friend of his son.

5544. And you were asked by Colonel Higgins to act for him as deputy?—Not by Colonel Higgins.

5545. Captain Higgins, I mean?—By Captain Higgins.

5546. I believe that the pay of that office is very small; it is not easy to get deputation sheriffs?—Very small, indeed; it did not pay my expenses.

5547. Now that speech you made to us was the most ineffective speech that ever was made almost?—I think, to the Roman Catholic clergy, I am sorry to say, it was.

5548. Now, with respect to the first application for adjournment, you actually heard the two parties upon the subject?—I did.

5549. And that before you finally adjourned, you had given distinct notice that if the course of conduct continued, you would adjourn it?—Yes.

5550. Now, I wanted to ask you when you removed a priest from the body of the hall, was that also on the application of one of the agents?—It was.

5551. Openly made to you?—Oh, openly.

5552. Made to you in the court?—Yes; either Mr. Griffin or Mr. Rochfort made the application.

5553. Were all your proceedings at that time with respect to removing and adjourning in open court?—In open court, and not until I had heard them on both sides: and the poll was not adjourned on the first application, because I did not think sufficient grounds were laid for it.

5554. And you heard both sides?—Yes.

5555. And the affidavits were open to both sides?—Most unquestionably.

5556. And canvassed by both parties?—And read by both parties.

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5557. You said that you saw some persons going up. I did not misunderstand you, I think myself, nor do I believe the Committee did, but others seem to have done so; when you said an "electioneering dodge," did you apply that to the carrying of voters up, or to your being there?—Oh, not my being there; my conduct was open. I applied it to the kidnapping of the voters.

5558. *Committee.*] Are you a Roman Catholic or Protestant?—I am a Roman Catholic.

Jovis, 2° die Julii, 1857.

THE Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., in the Chair.

Sir *Richard O'Donnell* was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

Sir *R. O'Donnell.*

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5559. I believe you reside in the county of Mayo?—Yes.

5560. I believe you are one of the Deputy Lieutenants of the county?—Yes.

5561. Lord Lucan is the Lord Lieutenant, is he not?—Yes.

5562. During his absence in the Crimea did you act as Deputy Lieutenant?—I did.

5563. Were you a supporter of Colonel Higgins at the last election?—I was.

5564. I believe you acted as chairman of his committee?—I did.

5565. Was there any regular organized committee, or not, do you remember?—There were a number of names; I think you will find them published in the papers, but not an acting committee.

5566. However, whatever assemblage it may be called, you acted as the chairman?—I did.

5567. Did you canvass the county for Colonel Higgins?—I did.

5568. Did you commence your canvass about the 16th of March?—Yes.

5569. Were you engaged chiefly in canvassing the county, from the 16th of March to the 8th of April?—Yes.

5570. Are you very well acquainted with the county voters, and the constituency generally?—Yes; I have lived all my lifetime among them.

5571. Are you acquainted, generally, with the constituency, their interests, and so on?—Yes.

5572. I believe Colonel Higgins had the support of many of the resident gentry who were of the Roman-catholic religion, had he not?—I believe every one of them.

5573. Every resident?—Every one of them, with the exception of two.

5574. That is of the resident gentry?—Yes, and the non-resident.

5575. Are you a Roman-catholic?—No.

5576. Had he also the support, should you say, chiefly of the Protestant entry; had he the support of many Protestants?—Very many, and Protestant gergymen.

cl5577. Can you tell me about the day; was it about the 16th or 17th that you commenced your canvass?—On the 16th of March I met Colonel Higgins, and we commenced our canvass on the 17th.

5578. Do you remember, on the 17th of March, did you go to Ballina to nvass with the Colonel?—I did.

5579. At Ballina how many electors are there?—I cannot say; very many though; in Tirawley there are many.

5580. Ballina is the town of which Tirawley is the barony?—Ballina is the town of Tirawley; it is the largest and most important town in Mayo.

5581. I believe there are about 500 electors in that barony?—Over 500.

5582. In

5582. In Ballina what did you find the state of the town as to excitement upon your canvass there?—We found it impossible to canvass the town.

5583. Was Colonel Higgins, from the state in which you found the town, obliged to remain in his hotel?—He was, for two days.

5584. By the *Committee.*] What is the population of Ballina?—Six thousand; between 6,000 and 7,000 I should say; I am not positive of that, but that is my impression.

5585. Mr. *James.*] What I mean is this, from the state of excitement in which you found the town, was Colonel Higgins prevented from the ordinary mode of canvass?—He was.

5586. You say he was confined to the hotel; for how long?—For two days; a portion of two days; the second day he left Ballina.

5587. When you say he could not prosecute his canvass, do you mean you are justified in saying, from fear of personal violence?—We attempted it.

5588. What happened?—There was a considerable number of people opposite to our hotel, and when Colonel Higgins came to the door and a few of his friends, two priests, and a man that I understood to be the clerk of the chapel following them, passed through the crowd, and this man that I understood to be the clerk cried out "Castle Hack, traitor," and several opprobrious names of that kind, and the mob became so violent—one of them indeed threatened me—put his hand into my face, and in a most daring way he said he would break my face, or something like that; we were obliged to desist.

5589. Did you know who those two priests were at that time?—No.

5590. But they were priests?—I heard they were; I do not know.

5591. You knew by their garb?—Yes.

5592. Were they taking any active part with the mob; this mob that interfered with Colonel Higgins's canvass?—It was the man that accompanied them that took the active part.

5593. What were they doing?—They walked through the crowd, and the man with them cried out those opprobious names.

5594. They walked through the crowd, and the man who was with them, and whom you thought to be the clerk of the chapel, cried out in that way; had that the effect of exciting the crowd?—It had; the people at first seemed inclined to receive us.

5595. The people at first at Ballina seemed to be inclined to receive you?—The people that were around the hotel.

5596. Was it when the two priests and this clerk, whoever he was, appeared, that the excitement began?—It was.

5597. Until the priests appeared, and this man, whoever he was, the people, you say, were inclined to receive you as they would a candidate upon his ordinary canvass, fairly?—Just so.

5598. You say that Colonel Higgins was positively unable to canvass that town?—I do.

5599. And he left the town uncanvassed; his canvass incomplete?—Yes, he did.

5600. What day did he leave?—He left on the 18th, as well as I remember; yes, the 18th.

5601. Where did you canvass next?—We canvassed Crossmolina and the western portion of Tirawley; the west and north-west of Tirawley.

5602. Were you engaged in that district up to the 20th of March?—Not exactly in that district; we went from that, on the 19th, to Killala.

5603. Can you tell the Committee the number of promises you got before this interference in that particular district?—We got 140.

5604. One hundred and forty promises to vote for Colonel Higgins in that district, before this excitement of these mobs began?—Not before it.

5605. By the *Committee.*] You are speaking now of the barony of Tirawley generally, are you not?—Yes.

5606. Mr. *James.*] Ballina is the town of Tirawley: over what district were the 140 promises obtained before the excitement began; over what area does that extend?—In the neighbourhood of Crossmolina and Killala, and other districts of Tirawley.

5607. Of those 140 who promised you, can you tell the Committee how many voted?—All of them.

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5608. All of those?—They did.

5609. By the *Committee.*] Did they vote for Colonel Higgins?—They did.

5610. Mr. *James.*] Of those 140?—They did.

5611. And amongst those I believe you include a Protestant clergyman and a dissenting minister?—Yes, several.

5612. Is there more than one Protestant clergyman there?—There are several.

5613. Do you include all?—No, I do not include all; there are one or two who did not vote at all.

5614. On Friday, the 20th of March, did you go to Castlebar, to attend a private meeting of Colonel Higgins's supporters?—I did.

5615. There has been a list put forward; a printed list was put in, a newspaper, of the provisional committee: was that a mere list of gentlemen who were desirous of manifesting their support of Colonel Higgins, or a committee?—It was the friends of Colonel Higgins that were desirous of manifesting their support.

5616. They did not practically form themselves into what is called the usual election committee?—Oh no.

5617. On the 21st of March did you commence with Colonel Higgins a canvass at Castlebar?—Yes.

5618. I believe that town contains something between 40 and 50 electors?—Yes.

5619. Did you canvass about 25 or 30 of them?—I think more.

5620. How many promises did you obtain?—Over 25.

5621. How many voted?—They all voted. Do you mean to say for Colonel Higgins.

5622. I mean for Colonel Higgins?—Only five or six; but they all voted.

5623. Were those persons whom you knew; many of them?—Yes, there were several.

5624. You say they all voted; did the others of the 25, who had pledged their promises to vote for you, vote against Colonel Higgins?—They did.

5625. On Sunday, the 22d of March, did you go to Newport?—I did.

5626. On Monday, the 23d of March, did you return with Colonel Higgins to Ballina?—Yes, near Ballina; to Captain Paget's.

5627. Stopping at a house in the neighbourhood?—Yes; we did not go into the town.

5628. Why not?—We were unable to canvass, and we went on in another direction from Captain Paget's.

5629. When you say unable, from what cause?—I told you that before.

5630. The same cause continued?—Yes.

5631. Do you recollect on Tuesday, the 31st, going to a town called Ballyhaunis?—Yes.

5632. Is that about 16 miles from Claremorris?—Yes.

5633. Were you going there to prosecute your canvass?—Yes.

5634. What is about the population of that town?—I cannot say.

5635. What barony is that in?—The barony of Costello.

5636. When you got into that town did you find a platform erected in the streets?—Yes.

5637. Upon that platform did you observe any Roman-catholic priests?—Yes.

5638. How many should you say?—Six or eight.

5639. Can you give us the names of any of those priests?—Yes; there was the Rev. Mr. Gerahty; there was the Rev. Mr. O'Dowds, and there was the Rev. Mr. Scully. I did not know the other gentlemen.

5640. Was either of the priests addressing the mob?—Yes.

5641. Which?—Mr. Gerahty.

5642. From this platform?—Yes; it was the market-day of that town.

5643. Had this platform been erected temporarily for the purpose, or were they availing themselves of any permanent platform?—Oh no; for the purpose.

5644. What quantity of people were there assembled at the time these priests were haranguing them?—There was a very large concourse of people; there were at least 2,000 people around those gentlemen.

5645. Did you hear a portion of his address?—Yes, nearly all of it.

5646. Did more than one priest address the mob; any one besides Mr. Gerahty?—Not while I was present.

5647. Did

5647. Did this priest, in addressing the mob, say anything about Colonel Higgins's religion; what did he say?—He said a great deal more about Colonel Higgins than his religion.

5648. What did you hear him say?—I heard him say that Colonel Higgins was a traitor, who had broken his pledges; that he was a disgrace to his religion; I heard him call upon the people not to vote for Colonel Higgins, but to vote for Mr. Moore and the other candidate.

5649. Did the priest allude, in his address, I want to know, to the people, in voting for Mr. Moore, that they would vote for their religion?—

Mr. *Karslake* objected to the question as leading.

The *Chairman* suggested that the Witness should be asked what he heard Mr. Gerahty say.

5650. Mr. *E. James.*] Will you give the whole of the speech?—He spoke for three-quarters of an hour, so that it would be very difficult for me to give the entire of his speech.

5651. Will you direct your attention to that portion, as I put it to you just now, connected with the votes in reference to religion, and in connexion with Mr. Moore's name?—He stated that if they voted for Colonel Higgins they would vote against their religion.

5652. That is what the priest said?—Yes; and he called on them in the name of their religion to vote for Mr. Moore.

5653. By the *Committee.*] For Mr. Moore alone?—I do not think he named any other candidate.

5654. Mr. *E. James.*] Did you observe the effect of this address upon the mob, upon the people, as to exciting them?—Very much.

5655. What was the effect when he talked about voting against their religion, if they voted for Colonel Higgins; what did you observe was the effect of that harangue upon the mob?—There was a very great excitement, but there were a great many friends of Colonel Higgins there; a good many of his friends there.

5656. And there was a great deal of excitement?—Yes, very great.

5657. Did Colonel Higgins attempt to address the people?—Several times.

5658. From what spot?—Opposite to the priests.

5659. There were several of Colonel Higgins's friends there in the market?—Yes, and it ended in a frightful row.

5660. I anticipated that. I have not quite come to that. Colonel Higgins attempted to address the people. When Colonel Higgins attempted to address the people, was there much shouting and hallooing?—We listened most attentively to all the priest had to charge against Colonel Higgins, and when Colonel Higgins stood up to speak, the priest beckoned to the people not to listen to him, and there was a great manifestation of disapprobation and abuse of Colonel Higgins.

5661. Did you observe the priests acting with the mob, or acting upon the mob, while Colonel Higgins was endeavouring to address the people?—Certainly.

5662. How many priests altogether; I think you say from six to eight priests there were?—Six to eight.

5663. Were they all taking an active part?—Every one of them.

5664. Did you, on the 1st of April, go with Colonel Higgins in the prosecution of your canvass to Ballyhaderreen?—Yes.

5665. In what barony is that?—Costello.

5666. What is about the population of Ballyhaderreen?—I cannot say.

5667. Are there a good many voters there, and in the neighbourhood?—Yes, a great many.

5668. In that immediate neighbourhood. When you got there had a number of electors who were favourable to Colonel Higgins's interests assembled to meet him and to meet you?—Yes.

5669. How many voters should you say?—Oh, a large number.

5670. A large number of voters had assembled to meet you?—Over a hundred; considerably over a hundred.

5671. Had Colonel Higgins in your presence commenced his address to the electors who had come to meet him, and who appeared to be favourable to him?—Yes.

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5672. As soon as Colonel Higgins, or shortly after Colonel Higgins had commenced his address, did you observe a Roman-catholic priest come forward on horseback?—Indeed I did.

5673. Where did he come from?—I cannot say.

5674. You cannot say where he came from, or where he would go to; did he appear upon horseback?—He did.

5675. Had he anything in his hand?—Indeed he had.

5676. What?—A big whip.

5677. Where did he go on horseback; you say a number of people were assembled to listen to Colonel Higgins; just tell the Committee what this gentleman did?—He rode in amongst the freeholders that had assembled to meet Colonel Higgins, and seemed exceedingly excited, and began to address them, and told them that Colonel Higgins was a traitor, and desired them to disperse, and not to vote for Colonel Higgins.

5678. Whilst this priest was on horseback, did you observe another priest on foot among the crowd?—Yes.

5679. What was he doing?—Something of the same kind.

5680. I mean was he active amongst the crowd?—Yes.

5681. Do you know the name of the priest on horseback?—I heard, but I do not know.

5682. Did you hear the name of the priest on foot?—No.

5683. But, however, you have said they were priests?—Yes; there is no mistake about that.

5684. Did you observe whether the course which those priests thought proper to take had an effect upon the crowd or not?—I was very happy to see it had not.

5685. By the *Committee.*] Pray, did he use his whip?—No.

5686. Mr. *James.*] On the 2d of April were you at Castlebar with Colonel Higgins; the day previous to the nomination?—I was.

5687. Was Castlebar at that time in an excited state?—It was; that was on the second day.

5688. The day before the nomination?—Yes.

5689. Did you observe any Roman-catholic priests addressing the mob in the neighbourhood of the room, close to the room where Colonel Higgins was stopping?—I did.

5690. Where did you and Colonel Higgins go to at Castlebar on the 2d of April; to an hotel?—No; we went to a committee-room, a room where the friends of Colonel Higgins met.

5691. While you were there, did any priest address the mob in the neighbourhood of the room?—Yes.

5692. From what spot did he address the mob?—Within a few houses.

5693. From a window of a house?—Yes.

5694. By the *Committee.*] Was that a private house or a committee-room where the priest was?—It was a private house.

5695. Mr. *James.*] Was there a large assemblage there of people?—As he continued his address the crowd increased; the number increased.

5696. Just attend, if you please; do you know who that priest was who was addressing them from the window?—I believe I do; but I will not mention it, as I am not certain.

5697. Did you observe whether his address had any effect in exciting the mob?—It certainly had, and it had the effect of sending me into the house.

5698. While this was going on, or shortly after this was going on; do you know a priest called the Rev. Mr. Curley?—I do.

5699. After this priest had addressed the mob from the window, did you see the Rev. Mr. Curley appear?—I did.

5700. Had he any book in his hand?—He had.

5701. Do you know what it was?—I do not; but I was told; I asked what it was, and I was told what it was.

5702. What was it?—His breviary.

5703. What is that; does it contain the mass merely?—A book that is used instead of the Bible.

5704. That is a book containing those portions of the Bible which are read in the Roman-catholic religion, is it not?—Yes, something of that kind.

5705. It is one of the books which contain the doctrines of the Roman-catholic Church?—I will not say; I never read it.

5706. Had

5706. Had he that book in his hand?—He had.

5707. With this book in his hand, did you observe what he did; after the priest had addressed the mob from the window, you say the Rev. Mr. Curley appeared amongst the mob?—Yes.

5708. What did he do?—He headed the mob which passed our committee; he was at the head of that mob, encouraging them to all kinds of violence; and these men with their sticks beat and drove away every one who was on the part of Colonel Higgins.

5709. Is that priest, Mr. Curley, now in the room?—I believe he is; I do not see him, though he was here yesterday and the day before.

5710. Has he been in the room during this inquiry?—He has.

5711. I mean that he is in London, that he can be called to answer this?—He is; he was here yesterday.

5712. You saw this man, this priest, you say, with this breviary, go at the head of the mob?—I did.

5713. At that time had the mob become excited?—Very excited.

5714. Were any of them armed?—They were.

5715. By the *Commiitee.*] You mean by "armed," armed with sticks; is that so?—Yes, with sticks.

5716. Mr. *Edwin James.*] How did he head them with this book in his hand?—He was at the head of a body of men, I should say some 300 men, and a few women around him in a most excited state; their hair was all about them.

5717. The women?—The women, and he at the head of them; he used to turn round every now and then, open the breviary, and show it to the mob, and then they would shout and scream, and act in the most violent way.

5718. Did you hear whether he said anything?—It would be very hard to hear it, the noise was so tremendous.

5719. You observed his action; his gesture?—I did. Allow me to explain: So great was the excitement, that I felt it my duty to call upon the resident magistrate and the sheriff, offering to swear informations against the gentleman, and calling upon them, for the sake of the peace of the town, to have him arrested.

5720. By the *Committee.*] You are not a magistrate of that district?—I am a magistrate of the county, but I did not act during the election; being the friend of Colonel Higgins and the chairman, I did not think myself right to act. I studiously avoided acting in any judicial way whatever during the entire of that election; but I felt it my duty to call upon these gentlemen to act upon the occasion.

5721. Mr. *Edwin James.*] You say at first there were several of Colonel Higgins's friends there?—As we arrived in the town, several of Colonel Higgins's friends met around our committee-room to greet us upon our coming into the town, and it was to drive those people out of the town that this mob came up.

5722. Did you observe what their conduct was towards those supporters of Colonel Higgins who had met him?—They did not leave a man of them in the street; several of them had broken heads, and several of them were injured in other ways.

5723. After this mob had appeared and acted in this way, with this priest at the head, and this breviary in his hand, did it become necessary to apply for any police for the protection of Colonel Higgins?—Yes.

5724. In the town?—Not in the town, for we had plenty of police in the town, but opposite to our committee-room, to protect those going in and out of the committee-room.

5725. On that day could Colonel Higgins, with safety to himself, have prosecuted his canvass in that town?—Certainly not.

5726. We will come now to the 3d of April, the nomination; you were present at the nomination—Yes; I proposed Colonel Higgins.

5727. I believe Dean Burke seconded Colonel Higgins?—Yes.

5728. Is he the only Catholic priest in the county who supported the Colonel?—I believe so.

5729. I believe he is an old friend of Colonel Higgins's family?—He is.

5730. On the nomination did you see this same priest, Curley, standing in a conspicuous part of the Court-house, the same man who had led the mob with the breviary on the foregoing day?—Yes, in a most conspicuous part of the Court-house.

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5731. The same priest whom you had seen at the head of the mob with the breviary on the preceding day, you saw standing in the Court-house on the nomination day?—Yes.

5732. Did you observe him with anything in his hand?—Yes.

5733. What had he in his hand?—A red handkerchief.

5734. Was he amongst the mob, or whereabouts; was it a place where the mob could see him?—Yes; he was on the table where witnesses are brought up to give their evidence when the court sits there; he stood upon that table, and he was in a position to be seen by every one of the mob that were in the Court-house.

5735. What was he doing?—Well, I should say, fugling them.

5736. Fugling them; shouting?—Whenever there was a cheer to be given he put up this handkerchief in a certain way, and whenever there was a hiss, in he same way.

5737. By the *Committee.*] He was a sort of fugleman; he led them?—Yes.

5738. Mr. *Edwin James.*] Did you see the Rev. Peter Conway on the nomination?—Indeed I did.

5739. Did you see him in company with Mr. Moore?—Next to him.

5740. Standing next to him?—Yes.

5741. Where was that?—In the gallery; there were different places set apart for the different candidates; the gallery was set apart for Mr. Moore and the bench for Colonel Higgins and his friends; Mr. Conway was standing beside Mr. Moore.

5742. This was on the Friday?—Yes.

5743. On Saturday the 4th, did you go to Newport on a canvass after the nomination?—I did.

5744. Did you canvass four voters; I will give you the names; for Colonel Higgins, M'Manenamon, Patrick Cauley, James Cauley, and John Staunton?—I did.

5745. Did they promise to vote for Colonel Higgins?—They did.

5746. Those four; had you known them?—Yes, well.

5747. Were they persons, as far as you knew, upon whom you could rely?—Yes.

5748. Respectable men, were they?—Yes.

5749. During the polling, did you see those men vote for Mr. Moore?—I did.

5750. Those four who had promised you?—I did.

5751. By the *Committee.*] Did they promise to plump?—Three of them did; one did not; Staunton said he would give a divided vote; divide his vote with Colonel Higgins and Captain Palmer.

5752. Did they plump for Moore, or divide their votes?—They divided their votes for Mr. Moore and Captain Palmer.

5753. Mr. *Edwin James.*] They all voted against Colonel Higgins?—Yes.

5754. And against the pledge they had given you?—Yes.

5755. Did you speak to them upon the subject after you saw them voting?—They spoke to me.

5756. Did they see that you were at the poll, and observed their voting?—They did.

5757. What did they say to you about their vote?—

5758. Mr. *Karslake.*] Was this at the time of the poll?—No, afterwards.

5759. Mr. *Edwin James.*] Immediately afterwards?—No.

5760. Within what time; the same day?—No, not the same day.

5761. Was it during the election; was it before the election had closed, before the poll had been announced?—No, it was not.

5762. But, however; those men had promised you, and you saw them all vote against Colonel Higgins?—I did, and they told me why.

5763. I must not ask that, if you cannot tell the date; if you could tell the date accurately, we should take the sense of the Committee upon that; if you cannot tell the date, I cannot press that; but we have the fact that they gave you the reason?—They did.

5764. Can you at all fix the time?—Not accurately.

5765. You say you were at Newport on Sunday the 5th; was that the day?—It was.

5766. About

5766. About what time did you go to Newport on Sunday the 5th?—I was in Newport the previous day.

5767. Did you remain at Newport?—I was in church at Newport.

5768. You were at church in Newport on Sunday the 5th?—Yes.

5769. By the *Committee.*] The Established Church?—Yes.

5770. Mr. *Edwin James.*] Do you know the Rev. Mr. M'Evily?—Yes.

5771. Is he a Roman-catholic priest?—He is.

5772. Do you know whether he is the brother of the bishop, John M'Evily, who signed this placard?—I have heard so.

5773. Is he a Roman-catholic priest in Newport?—He has been lately sent there as a curate; a Roman-catholic curate.

5774. Did you see him canvassing the voters on the Sunday?—I did.

5775. Was that after the service?—When they had come out.

5776. Did you hear him address any language to the voters, this priest, on that Sunday?—I heard him speaking to them, and one of them came over and said——

Mr. *Karslake.*] Do not state that.

5777. Mr. *Edwin James.*] Did you hear him yourself speaking to the voters?—I did not hear the words used; I saw him and I heard him using words, but I could not distinctly say what they were.

5778. Where was he addressing voters on the Sunday?—In the street.

5779. Do you know the Rev. Luke Ryan?—Well.

5780. That is the priest from Kilmena?—Yes.

5781. On that Sunday, while you were at Newport, did you see the Rev. Luke Ryan in that town?—I did.

5782. Had he any mob with him?—He had.

5783. Where was he with reference to the mob?—He was at the door of a public-house giving them whiskey.

5784. The Rev. Luke Ryan?—Yes, he was.

5785. At what time of the Sunday was that?—It must have been between three and four o'clock.

5786. Did you see him dispensing this whiskey?—I did.

5787. By the *Committee.*] To anybody in particular, or to anybody who chose to come up and get it?—There were a number of persons around the house and around him, and he was serving out the whiskey to them.

5788. To anybody who chose to take it?—Yes.

5789. Mr. *Edwin James.*] Had he a jug of whiskey in his hands?—He had a jug of whiskey in his hand.

5790. Was he dispensing that whiskey to the mob by whom he was surrounded?—He was.

5791. Did you go up to the mob, right up to the mob?—I did.

5792. With what view; what did you say to them?—To disperse them.

5793. To request them to disperse?—I had a large force of police on the spot at the time. The police seeing the mob come into the town marched over, and drew up where they were; and I rode up and went forward from the police to where Ryan was and his mob, and addressed them.

5794. With what view did you address them?—To disperse them; to recommend their leaving the town.

5795. After this priest Ryan had given them the whiskey, and so on, did the men become excited?—They left the town very quickly.

5796. What, the priest, and the mob, and all?—No, the priest remained, but the mob dispersed.

5797. How far is Kilmena, of which Mr. Ryan is the priest, from Newport?—It is about three Irish miles, perhaps more.

5798. Were there some voters of Colonel Higgins at Newport who had been left for safety under charge of your son?—Yes, several of the voters that were friendly to Colonel Higgins had spoken to me the day previous.

5799. Had the voters whom you left in charge of your son been left there at their request?—They had.

5800 How many?—I could not say.

5801. But, however, there were some?—There were.

5802. Where was your son's house, with reference to this mob where Mr. Ryan was; where was your son's house?—About half a mile.

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5803. By the *Committee.*] About half a mile from Newport?—Yes.

5804. Mr. *Edwin James.*] Do you know of any business that Mr. Ryan could have had there on the Sunday afternoon with this mob?—To bring them home again.

5805. To bring the voters?—Yes.

5806. Having given them this whiskey, and the police having appeared, the mob dispersed, and Mr. Ryan remained?—He did.

5807. Where did he go, did you observe?—Into the town, across the bridge. There is a river divides the town of Newport, and he was on one side of the river, and after the mob dispersed he went across the bridge, into the main portion of the town.

5808. On Monday and Tuesday, the 7th and 8th of April, did you attend the polling at Castlebar?—I did.

5809. Did you see this same priest Ryan, of Kilmena, acting in any way in the booths, in any capacity?—I did.

5810. What was this priest doing in the booths?—He was acting as poll agent, or poll clerk, for Mr. Moore.

5811. Did you observe him bringing up any voters?—I did.

5812. Bringing voters to the poll?—Yes, that is what I mean, bringing them up; and when they voted he would pat them on the back, and "God bless" them.

5813. Was that going on nearly the whole time you were there; this man acting in that way?—Yes.

5814. I read to the Committee, when I had the honour of making my opening statement, a placard, which has not been proved, "Mayo Election;" did you see the placard, of which that is a copy, posted upon Mr. Moore's committee-room (*handing the same to the Witness*)?—I did.

5815. By the *Committee.*] Is that the one signed by the three bishops?—No.

5816. Where was it posted?—On the committee-room of Mr. Moore and Captain Palmer; but I saw it on several parts of the town.

5817. Mr, *Edwin James.*] Is this a copy, in the "Mayo Constitution," of the placard which you saw?—It is.

5818. I will read it: "At a meeting of the clergy of the diocese of Tuam, Killala, and Achonry, held at Armstrong's Hotel, on Monday, 23d March, the Venerable the Archdeacon of Tuam in the chair, the following resolutions were unanimously adopted: Resolved, 'That it is the unanimous determination of this meeting that our trusted and faithful representative, George H. Moore, should receive the strenuous and cordial support of the clergy and people of this great county at the coming election, and that we deem it our imperative duty, imposed upon us by our relations with our respective faithful flocks, to recommend to them in the strongest terms to repudiate the pretensions of Colonel Ousely Higgins, who by his wholesale and unscrupulous violation of the most solemn pledges has betrayed the interests of a noble but too confiding constituency; and that for the purpose of expelling him from the representation of this county, we therefore pledge ourselves to give our strenuous and active support to any other candidate who may solicit the suffrages of the electors, except the same be a notorious and reckless violator of public and solemn engagements.' Resolved, 'That our chairman take such steps as he may think proper to ascertain to what extent we may expect the support of the third candidate who may be in the field, and communicate the results to one clergyman at least in every barony, with as little delay as possible; and that in the event of that support being satisfactory, such candidate be cordially supported by us.' Resolved, 'That election committees be forthwith organized in the several baronies to carry into effect the object recommended in the foregoing resolutions, and that these committees adopt such measures severally as will secure the return of Mr. Moore, with as little pecuniary expense to himself as possible, as a mark of their high esteem for his talents and services as a representative of this county.' Resolved, 'That this meeting do now adjourn to Monday next, the 30th inst., and that the clergy and freeholders of the county are hereby earnestly invited to attend on the occasion.'" I observe that that is signed only by clergy. Martin Browne, chairman; Richard Hosty, P. Greene, and H. Cahill, all priests, I believe?—Except the first; he is a dean or archdeacon.

5819. By

5819. By the *Committee.*] Do I understand you to say that you saw that on Captain Palmer's, or on Moore and Palmer's committee-room?—I did.

5820. Was the same room the committee-room for the two gentlemen?—There were two committee-rooms, but they were both for Moore and Palmer.

5821. Divided?—They were.

The *Chairman* inquired whether Mr. Karslake admitted the authenticity of the placard just read.

Mr. *Karslake* stated that he could not deny that such a placard existed at the time of the election, the witness having so stated.

5822. Mr. *Edwin James.*] Did you see that placarded about?—I did.

5823. Did you observe acting at the election any legal agent for Mr. Moore, or any persons besides priests?—None.

5824. No legal agent?—No; I saw much better agents though.

5825. Who were they?—The priests,

5826. As far as you observed, were the priests acting in the conduct of the election at the booths, in bringing up the electors?

Mr. *Karslake* objected to the question as too general.

Mr. *James* was heard in support of the question, and referring to the placard, submitted that it had been read as posted upon Moore and Palmer's committee-room.

Mr. *Karslake* objected to the placard being at present received, as posted upon Moore and Palmer's committee-room. It could not be taken to be so before the cross-examination. He merely admitted that the placard existed at the time of the election. It was not yet shown that Mr. Moore adopted that placard, or was responsible for it.

Mr. *Edwin James* was further heard in support of the admissibility of the evidence, submitting that the placard must be taken as adopted by Mr. Moore.

Mr. *Karslake* was heard in reply.

5827. Now, in what town was this that you have been speaking of; where do you say this occurred?—Castlebar.

5828. On whose house did you see it?—Armstrong's Hotel, and several others.

5829. Give us the names of any particular place where you saw it?—I saw it in different parts of the town.

5830. But particularly on Armstrong's Hotel, you say?—I did.

5831. *Committee.*] Did you see it on another house known to be the committee-room of Mr. Moore and Mr. Palmer?—I can't say that I did.

5832. Mr. *Karslake.*] You saw it on Armstrong's Hotel?—I did.

5833. On what day did you see it on Armstrong's Hotel?—It was either the day or the day after it was published.

5834. On what day in the course of the election did you first see it on Armstrong's Hotel?—I can't say.

5835. Was it before the nomination, or after the nomination?—Before the nomination.

5836. How long before the nomination?—It was at last, as well as I remember.

5837. Was that the last time you saw it?—Oh, I have seen it frequently; I saw it during the election there.

5838. On Armstrong's Hotel?—Yes, and through the town; I saw it on the court-house.

5839. Will you undertake to say that you saw it on Armstrong's Hotel at the time of the election?—I will.

5840. From a week before to the time of the election?—I will.

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5841. That is the Monday?—Yes.

5842. You say that that was Mr. Moore's committee-room?—I believe so.

5843. You say you believe so?—Yes.

5844. Do you know that of your own knowledge?—I do.

5845. How do you know it?—The placard that was over the room was "Moore and Palmer;" over the house, a large placard.

5846. On Armstrong's Hotel?—Yes.

5847. What was the inscription upon that placard?—"Moore and Palmer."

5848. Were those the words?—Something to that effect.

5849. Were those the words, "Moore and Palmer"?—Certainly those words were——

5850. Was there anything besides that on the placard?—Placard is not the right name; it was a large inscription outside of the house.

5851. Was it on paper, or what?—It was on canvass.

5852. Pasted on to the house?—Yes.

5853. "Moore and Palmer"?—Yes.

5854. When did you see that?—I think it was "Hurrah for Moore and Palmer." Some words to that effect.

Mr. *James.* I will prove by 20 witnesses that it was their committee-room.

Mr. *Karslake.* I am instructed that it was not.

Mr. *James.* It has been called the committee-room in the evidence every day.

5855. Mr. *Karslake.*] Was that all that you saw on the house to induce you to say that it was Moore and Palmer's committee-room?—His friends used to resort there.

5856. *Committee.*] Whose friends?—Moore's friends.

5857. Mr. *Karslake.*] Then were they Mr. Palmer's friends also?—Yes.

5858. You have seen persons who were friends of Mr. Palmer go in and out of that room?—I have.

5859. Is that your only reason for saying, of your own knowledge, that this was the committee-room of Mr. Moore?—Yes.

5860. That is the only reason?—Those two reasons.

5861. That you have seen friends, who were joint friends of Mr. Palmer and Mr. Moore, go out of the committee-room?—Resorting there.

5862. And you saw this canvass, "Hurrah for Moore and Palmer"?—Yes.

5863. *Committee.*] The words "committee-room" were not on any part of the building?—I will not swear positively.

5864. Mr. *Karslake.*] You have told us that they were not; that the inscription was, "Hurrah for Moore and Palmer"?—Certainly not; I said I saw those words, but I could not tell all the words that were there; there is no doubt that it was their committee-room; I will swear that it was the committee-room of Moore and Palmer.

Mr. *James* stated that he would at once call a gentleman who would prove the committee-room in question to have been Mr. Moore and Mr. Palmer's committee-room.

John Griffin, Esq., called in; and further Examined by Mr. *James,* as follows:

J. Griffin, Esq.

5865. YOU were the Agent for Colonel Higgins?—Yes.

5866. Do you know this committee-room of Mr. Moore and Mr. Palmer?—Yes.

5867. Do you know whether it was the committee-room of Mr. Moore and Mr. Palmer?—Whenever I went to Castlebar I went to Armstrong's Hotel; I had a conversation with Mr. Armstrong, and he told me that it was their room.

5868. *Committee.*] At other times, you mean?—Yes; I was in the habit of stopping there.

5869. Mr. *James.*] Did you see any inscription outside, or any affiche or placard?—When I went to Castlebar I saw that placard.

5870. But

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5870. But about the committee-room; was there anything outside to intimate that it was a committe-room or not?—There was.

5871. Outside the hotel?—Outside Armstrong's hotel.

5872. What was that?—Moore and Palmer's committee-room in print; and "Hurrah for Moore and Palmer," and "Hurrah for Palmer and Moore," reversed, so that one should not have precedence of the other.

5873. The same inscription outside, whatever it was, as in Ballinrobe?—The same.

Further Cross-examined by Mr. *Karslake*.

5874. Will you undertake to say that that was so?—Yes.

5875. When did you see Moore and Palmer's committee-room?—I saw it in print attached to a blind window on Armstrong's Hotel.

5876. *Committee.*] Do you a mean a blind window or a window blind?—A closed window; I was not in Castlebar at the nomination or during the polling; but I saw the remains of it on the hotel.

5877. Mr. *Karslake.*] Were you at Castlebar at any time during the election?—No; I was there immediately after.

5878. Were you there between the time of the nomination and the close of the poll?—I was in Castlebar on the 2d of April; that was the day before the nomination.

5879. Did you ever see Mr. Moore in Castlebar during that time?—No, I did not.

5880. Then when was it that you saw the window blind or the blind window with "Moore and Palmer"?—I went to Castlebar immediately after the election; I think in two or three days after I saw the same committee-room, and I saw that placard intact.

5881. That was after the election?—Yes.

5882. Mr. *James.*] In the blind window?—Yes, after the election; I saw them in Ballinrobe too.

5883. *Committee.*] Were there any speeches made by either of the candidates at this hotel?—I was not present there.

5884. Mr. *James.*] After the election there was a bill remaining on this blind window, "Moore and Palmer's committee-room"?—Yes, and I dare say to this day they are there; but none of Colonel Higgins's were there at all.

Sir *Richard O'Donnell*, re-called; and further Examined.

Sir R. O'Donnell.

5885. *Committee.*] WERE you at Castlebar during the election?—I was.

5886. The last witness could not say a word about it, because he was not at the election; did you see either of the candidates during the election speaking from the window of Armstrong's Hotel?—I will not speak positively to that; I have a faint recollection of it, but I cannot speak positively; I now recollect that I did see Mr. Moore speaking from the window; I did hear Mr. Moore speak from the windows of that hotel.

5887. Mr. *Karslake.*] When did you hear Mr. Moore speak from that window?—During the election.

5888. What day?—I can't say whether it was the Monday or the Tuesday.

5889. Or the Wednesday?—There was no Wednesday, the election was over on Tuesday evening.

5890. Was it on the Monday or the Tuesday that you heard him there?—I think so.

5891. Will you swear that it was either on the Monday or the Tuesday?—I will not swear it, but I will swear that I saw him there addressing the mob.

5892. From Armstrong's Hotel?—I have, from one of the windows of Armstrong's Hotel.

5893. From one of the windows of Armstrong's Hotel?—I have.

5894. Do you mean to say that at that time he was addressing the mob the placard was in the hotel?—I am sure it was.

5895. Was it within his sight at the time?—No, it could not have been.

5896. It could not have been?—Unless he had it in his hands.

5897. From the mere position of the placard he could not have seen it?—No.

5898. All you heard him do was address the people from that room?—That is all.

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5899. *Committee.*] Could Mr. Moore have gone into the house without seeing the placard?—Well, he might.

5900. Mr. *James.*] As far as you observed, were the priests attending in the conduct of the election at the booths, in bringing up the electors?—They were.

5901. The priests were attending in the conduct of voters to the booth during the election?—Yes.

5902. Do you know of any legal agent at all whom Mr. Moore had?—No.

5903. Or did you see any legal agent employed in bringing up voters, except the priests?—No.

5904. *Committee.*] You mean to say, as a matter of fact, that you did not hear of Mr. Moore having any legal agent?—I did not.

5905. Mr. *James.*] Or see any one?—I did not.

5906. Did you see any other persons but priests actively employed in bringing up voters to the poll, and in the booths, and so on?—A few.

5907. Can you give the Committee any notion of the number of priests whom you saw during the election, employed in bringing up voters, and actively engaged in the election?—I could not.

5908. Just approximate; how many should you be safe in saying; how many priests were actively engaged; how many polling-booths were you at?—I only attended the two.

5909. Which were those?—Carra and Burrishale.

5910. Now, therefore, at that polling-place for those two baronies, how many priests at that place alone should you say were actively engaged at the poll?—I could not say.

5911. Did you see one, or two, or five; we want something approximating the number?—I have seen eight or nine together.

5912. Did you see the Rev. Luke Ryan?—I did.

5913. Did you see this gentleman, Mr. Curley?—I did not during the election.

5914. I am speaking of the booths?—No.

5915. Did you see the Rev. Luke Ryan at the booths?—I did.

5916. The Rev. Mr. Hosty, the gentleman who signed one of those placards?—I have no doubt I did, but I can't say positively.

5917. Do you know the Rev. Mr. Cahill?—I do not know him, but I know that I did see him.

5918. How many priests should you say you saw, as far as you could tell, in active operation at the polling?—Seven or eight.

5919. Are you safe in saying that number?—Oh, certainly; they used to link the freeholders up to the poll in both baronies, in both places.

5920. Now, I think that the result of the poll; you have ascertained that correctly; 404 voters were unpolled?—Yes.

5921. Four hundred and four did not poll at all; remained unpolled?—Yes.

5922. *Committee.*] In the whole county?—In the whole county.

5923. Mr. *James.*] Now 1,041 voted for Colonel Higgins?—Yes, 1,041 (*referring to a document.*)

5924. Mr. *Karslake.*] What is that; is it an abstract which you made yourself?—Yes.

5925. From where?—From the original documents.

5926. Mr. *James.*] Now, the majority of Mr. Moore over Colonel Higgins was 128?—Yes.

5927. Now what number of promises had you for Colonel Higgins?—Over 1,200.

5928. Mr. *Karslake.*] Were they promised to yourself?—Yes.

5929. To you personally?—No, I would not say that.

5930. I said to you yourself, and you said, "Yes;" do you mean to say that you had 1,200?—I am not aware that I said 1,200.

5931. *Committee.*] Do you know that yourself?—I know positively that there were 1,200, and more, promised voters to Colonel Higgins.

5932. Mr. *James.*] You were chairman of the committee, and of course this matter came within your particular province?—It did.

5933. State how you ascertained that you had promises enough to place Colonel Higgins in a large majority?—I canvassed the county with Colonel Higgins, and it was upon that canvass that I ascertained the amount of supports that we could depend upon.

5934. *Committee.*] That you thought you could depend upon?—That we thought we could depend upon.

5935. Mr. *James.*] From the best inquiry you could make, of your knowledge do you believe that to be the fact?—I do.

5936. After this excitement began, and these priests led these mobs, and so on, which have been detailed over and over again, did you find that the men fell back, and would not vote; the voters?—I did.

5937. In large numbers?—Yes; for example, in Castlebar we had over 25 promises, and not more than five or six fulfilled their promises.

5938. Mr. *Karslake.*] Were these promises to yourself?—They were every one in my presence to Colonel Higgins.

5939. Mr. *James.*] You found the voters fall back?—Yes, several that voted against Colonel Higgins, and who promised their votes, told me afterwards the reason why.

5940. Now, you found that yourself; state what occurred, and not the reasons that were given to you afterwards; now did you find that after these riots and these mobs, such as you have detailed, commenced?—I did.

5941. That the men would not vote?—Decidedly, for Colonel Higgins.

5942. Did you find that men who promised to plump for Colonel Higgins also after these riots and excitement commenced, voted for Mr. Moore; gave their vote for Mr. Moore?—Very few.

5943. You say that you had reason to believe that you could calculate on 1,200 and how many?—Between 1,230 and 1,250.

Cross-examined by Mr. *Karslake.*

5944. Now, Sir Richard, I want to know about these promises. You say that you had reason to know—I want to know what you know of your own knowledge—the number of votes that were promised to you personally of your own knowledge?—I cannot accurately state that.

5945. Have you canvassed at other elections?—I have.

5946. Has it ever occurred to you at other elections to have a promise of a vote, and to find that promise broken?—Yes.

5947. Frequently, I suppose?—Yes.

5948. As you spoke of Castlebar last, when was it that you canvassed Castlebar?—The 21st, I think it was; yes, it was.

5949. Were any of the persons whom you then canvassed tenants of Lord Lucan's?—Yes.

5950. Do you know that Lord Lucan, after you canvassed Castlebar, declared himself as a supporter of Mr. Moore?—I should hope he did not interfere in the election at all.

5951. Do you know that he declared himself a supporter of Mr. Moore; never mind what you hoped?—I cannot say.

5952. You do not know it?—I knew he was a friend of Mr. Palmer's; I dare say he did.

5953. Do you think that is an answer to my question, Sir Richard?——

5954. Mr. *James.*] Were you present, and did Lord Lucan do it in your presence?—Certainly not.

5955. Mr. *Karslake.*] Then you do not know it?—I do not know it.

5956. Were many of the persons whom you canvassed Lord Lucan's tenants?—Yes.

5957. Were they all?—Well, I dare say they were; Castlebar belongs to Lord Lucan.

5958. Can you tell me whether they were 25 tenants of Lord Lucan?—I cannot say.

5959. Do you believe them to be?—I dare say they were; one of them is a tenant of my own.

5960. And Lord Lucan's also, perhaps?—Yes.

5961. Now, when was it that you held your first meeting with other persons to declare in favour of Colonel Higgins?—In Castlebar?

5962. Anywhere.—Well, I do not understand the question.

5963. Where was it that you and other gentlemen met to declare that you would support Colonel Higgins at the election?—Well, it was at Castlebar, on the 20th, we met.

5964. Where did you meet?—We met at a house; really I do not know the name of the man that the house belongs to.

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5965. Did you and those gentlemen meet upon several occasions?—We did; some of them.

5966. Had you a committee-room?—We had.

5967. And was that where the meetings took place?—It was.

5968. At Cooly's house?—Yes, Cooly's; that is the name of the man.

5969. Now, you acted as chairman to the committee, I believe, did you not?—I did; chairman of Colonel Higgin's committee.

5970. Was Mr. Thomas Strickland, deputy-sheriff, on that committee?—Every friend of Colonel Higgins was named on that committee.

5971. Answer my question; was Mr. Thomas Strickland a member of that committee?—If you show me the list, I will tell it you.

5972. Do you mean to say that you did not see him attending the committee?—I did not; to the best of my recollection, I did not. I saw his brother Charles there.

5973. Was Captain Brabazon a member of that committee?—I saw him there.

5974. He used to act as a member of the committee, did he not?—He was there once.

5975. When you were?—I was.

5976. Now, is Mr. Thomas Strickland an agent of Lord Dillon's?—I believe not.

5977. Charles Strickland?—Charles is the agent, his brother.

5978. Now, then, at Ballina; that you canvassed on the 17th of March?—17th and 18th. I did not canvass.

5979. Had you given notice that you were going to attend there?—No.

5980. You had not?—No.

5981. What time did you arrive there on the 17th of March?—Early in the day.

5982. Did you canvass any of the electors during the day?—No; some of the electors that came into the room where Colonel Higgins was were canvassed by Colonel Higgins; a few of the electors came in to call upon him.

5983. *Committee.*] Came into the hotel?—Came into the hotel.

5984. Mr. *Karslake.*] Then you did not go out for the purpose of canvassing at all?—We attempted it.

5985. You attempted it?—Yes.

5986. Was it at the time that you say this person was walking with the crowd, a man whom you call the clerk of the chapel?—No.

5987. Had you attempted it before that?—We had.

5988. Upon your attempting it, tell us what occurred?—We were advised not.

5989. Did you go outside the house at all and commence a canvass?—No; Colonel Higgins went to the steps of the door, and when he came out the people received him very kindly at first. These two priests and this man that you allude to walking beside him, went through the crowd, and they cried out "Castle-hack," and names of that kind, and irritated him.

5990. Did he attempt to go out again in the course of that afternoon?—No.

5991. Now, what time did you leave that day?—That was the 18th.

5992. I am talking first of the 17th?—You are talking of a clerk and so am I, but I must take you to the 18th.

5993. On the 17th you say you got in in the morning?—We did.

5994. And some of Colonel Higgins's friends came in and were canvassed by you?—Yes; we were about canvassing the town, and were recommended not to do so.

5995. Was the first thing you did upon coming into Ballina; did some of your friends meet you there in the room?—No, they came in to us.

5996. Some of your friends came in and met you in the room?—Yes, they did.

5997. You sat for them for some time?—No, we were going out at first.

5998. Did you go out?—We did not.

5999. Did you attempt to go out the whole of that day?—We did not; we were told——

6000. Never mind what you were told; you had a reason, but you did not go out?—We did not.

6001. Then

6001. Then the next thing, you say, you went down to the steps of the hotel?—Yes.

6002. Was that for the purpose of addressing the persons there?—No; canvassing.

6003. They received you well?—At first a few of the crowd cheered for Colonel Higgins.

6004. What time of the day was it?—In the morning.

6005. At what time did you leave that day?—After this happened; a considerable time after it happened.

6006. Can you tell me at what hour of the day you left?—I cannot.

6007. Did you attempt to canvass at all that day?—We were most anxious.

6008. Did you attempt it, I ask?—We could not.

6009. But is that an answer to my question?—I should say it is.

6010. You think so?—I do.

6011. Then you did not?—No.

6012. That is what I wanted to know?—You must not forget that I am an Irishman.

6013. I am sure I could not forget that; now, then, on the 18th, I think it was, that you canvassed Crossmolina?—It was on the 18th.

6014. How far is that from Ballina?—Not many miles.

6015. That conveys no impression to my mind at all; can you tell me about how many?—I should think about five or six.

6016. Did you complete your canvass there on that day?—Yes, we canvassed the neighbourhoods.

6017. Now, on the 19th, the next day, you went to Killala?—We did.

6018. In those two districts, I suppose, on the 18th and 19th, you got 140 promises?—I am certain we did, and more.

6019. Now give me the distance between Ballina and Killala?—About seven miles; about six or seven miles.

6020. *Committee.*] Irish miles?—Yes, about that.

6021. Mr. *Karslake.*] Was it at Killala you got the support of the Protestant ministers?—We did.

6022. You are a Protestant yourself?—I am. I think it is the Dean of Killala that supported Colonel Higgins, and we got also the support of some more Protestant clergymen.

6023. And also of a dissenting minister?—Yes, Mr. Jackson; the Rev. Mr. Jackson.

6024. Now, then, at Castlebar I think you have given us your canvass?—Yes.

6025. Now tell me; on the 31st, the Tuesday, you went to Ballyhaunis?—Yes.

6026. Did you know that it was the market day?—When I got there I did.

6027. Did you go there with the object of meeting the people at the market?—I dare say Colonel Higgins did, but I did not know it; I do not know whether he did or not.

6028. Will you tell me what the number of freeholders living in Ballyhaunis might be?—I cannot.

6029. Will you undertake to say that there are more than two voters in Ballyhaunis?—I can.

6030. How many?—We canvassed a great many more.

6031. But you sometimes canvass men who are not voters?—It is a great mistake if you do, particularly if the time were short.

6032. Are there six voters now in Ballyhaunis?—I will not say.

6033. You say there was a considerable crowd there?—Yes, very; there were over 2,000.

6034. Did you see a great number of persons brought in by Mr. Thomas Strickland?—I did not.

6035. Did you see many of Lord Dillon's tenantry there?—I did.

6036. Were they supporters of Colonel Higgins?—They were.

6037. Had they been brought in there to your knowledge by arrangement for the purpose of meeting you?—No.

6038. Did Mr. Thomas Strickland, and did Captain Brabazon, accompany you to that place?—No, we met them there.

6039. Were they there?—They were.

 6040. They

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6040. They met you there by appointment?—Yes, I should say so.

6041. Did you make a speech in favour of Colonel Higgins at that place?—I did; I did my best.

6042. Did Mr. Thomas Strickland do so?—I think he did.

6043. And did Captain Brabazon?—I think so.

6044. Mr. *James.*] We will admit that.

6045. Mr. *Karslake.*] Sir Richard will not admit it?—Sir Richard will admit whatever he knows, and nothing else.

6046. Did you all speak?—They did not; Colonel Higgins was not allowed to speak.

6047. Did Mr. Thomas Strickland, Captain Brabazon, and yourself speak?—I did, and I believe the others did, but I would not say positively.

6048. Now, then, this was after Mr. Geraty had spoken; did you speak?—Yes; but half the numbers were not there when I spoke.

6049. Half the numbers were not there?—No, for there was such a row; they began to fight, and knock down people, and kick up such a row, that there were very few around us.

6050. They could not let you forget that you were an Irishman?—I did not knock any one down.

6051. Do you not often find on those occasions there is a little excitement among Irishmen?—Very often.

6052. Then the excitement that took place here was nothing new to you?—No.

6053. Do you find that that sort of excitement generally follows an address made upon any subject upon which people entertain two different opinions?—Frequently.

6054. Now, then, we will go to Ballyhederren. There, I think, Colonel Higgins was fortunate enough to be able to address the electors?—He was, but not without an interruption.

6055. Not without an interruption?—And a very serious one.

6056. *Committee.*] The last place you spoke of was Ballyhaunis?—Yes.

6057. Mr. *Karslake.*] Before we go from Ballyhaunis, were you there more than one day?—No.

6058. How long was the speechifying going on that day; on both sides do you mean?—More than two hours.

6059. There was a good field day for them there, then?—It was.

6060. Mr. Geraty is a voter himself, is he not; the Rev. Mr. Geraty?—I do not know.

6061. How many voters are there at Ballyhederren?—A good many.

6062. Fourteen?—In the immediate neighbourhood round about.

6063. In Ballyhederren?—A good many.

6064. Were there more than 14, can you tell me?—I cannot positively.

6065. Do you know how many you canvassed in the town?—I know that we canvassed them all.

6066. Whether there were more than 14 you cannot tell me?—No; I know there were more than 14 there at the time Colonel Higgins addressed them.

6067. Was it a market day?—I think not.

6068. Had you given notice of your intended visit for the purpose of canvassing?—I did not.

6069. Did you know of its being given?—I did not; but I know that they did attend there, and must have had notice of it.

6070. They knew that you were coming there, and they came to meet you?—They did, evidently.

6071. Now let us go to Castlebar; with respect to Mr. Curley; do you know that it is the habit of the priests always to carry their breviary with them?—I believe it is.

6072. Do you not know that that contained the devotional services which the priest has to go through every day?—I do not know that; but I dare say it is the case.

6073. As far as the breviary is concerned, there is nothing uncommon in a priest

priest carrying that?—Very uncommon for a priest to shake in a mob his breviary to excite the people.

6074. Is it uncommon for the priest to carry a breviary?—No.

6075. *Committee.*] Is it a common thing for a priest to carry about with him his breviary?—Yes, it is.

6076. Mr. *Karslake.*] Now, I think at the time you saw Mr. Curley first he was not with the crowd, but came towards them?—I saw him at the head of them.

6077. Do you mean to say that when you first saw him he was at the head of them?—Yes; he came up towards me, and I retired home into Mr. Cooley's house.

6078. Were you at the time, or was anybody on your side, addressing the crowd?—No.

6079. What were you doing?—Retiring as fast as I could.

6080. What had you been doing before you retired?—I was crossing over, going into the Mall.

6081. Was anybody on your side addressing the people?—Not in my presence.

6082. I thought you said there was a crowd of yours collected there?—There were, on Colonel Higgins and I arriving; several people surrounded our room or place, and cheered for Colonel Higgins.

6083. Now, you heard nothing that Mr. Curley said?—No.

6084. But you saw him at times hold the book up in this way (*describing*)?—I did, to the mob.

6085. You say that the mob were following him at the time?—They were.

6086. You merely saw the action; and, as I understand, heard no words?—No; I had heard great excitement; shouting.

6087. Is that the sort of excitement that an Irish mob always evinces?—Yes.

6088. An Irishman, I believe, of the lower classes, seldom howls without flourishing his stick, does he?—I do not understand you.

6089. Seldom utters an ejaculation without also flourishing a stick at the same moment?—I am an Irishman, but I never carry a stick.

6090. I confine my question to the lower orders; is not that so with the lower orders?—Almost always so; but the mob was very excited, and used their sticks to great effect. They drove away every one that were around the house.

6091. The mob appeared to be in the interest of one side, and the persons they came in collision with were in the interest of the other?—Yes.

6092. And on those occasions the weakest generally goes to the wall?—Certainly.

6093. Has it occurred to you ever, in these Irish mobs, to see women with their hair dishevelled?—Very seldom.

6094. Do you mean to say that the women now do not take a considerable share in the excitement that goes on?—Well, they do at times.

6095. And I think at Castlebar in particular?—At that time, at that particular time, there were several women close to Mr. Curley, and very excited.

6096. And their hair not properly dressed?—Not dressed at all.

6097. Do you know one Kit somebody, a fishwoman? Was she there?—I have not the honour of her acquaintance.

6098. Now, this was the day, I think you stated, before the nomination?—Yes; the Thursday.

6099. Was there a strong party of constabulary in the town on that day?—There were.

6100. And were the military also there?—Yes, I believe so.

6101. I think where a suggestion was made to you about apprehension, you said you would do nothing with it, because you considered that it was not right to act in a judicial manner during the election?—No; I said no such thing; I merely told the Committee the fact, that I did not act as a magistrate during the election.

6102. Am I wrong in taking it down, "I felt that I ought not to act in a judicial way"?—I accompanied sixty freeholders from Newport, and I called for the protection of the magistrates, but not acting myself.

6103. Did I understand you correctly to say, that you felt, from the position in

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which you were, that it was not proper for you to act in a judicial manner during the election?—I said that I did not act.

6104. *Chairman.*] You draw a distinction between not acting, and feeling that you ought not to act?—Others might act; I thought it was better not to act.

6105. Mr. *Karslake.*] Did you say in your examination-in-chief, that you felt that you ought not to act judicially?—I determined that I would not act.

6106. Is that your answer to my question; did you in your examination-in-chief say that you felt you ought not to act in a judicial manner during the election?—I dare say I did say it; I am not sure; I will not be positive whether I did or not.

6107. Now, then, you slept in Castlebar on that evening?—Yes, I did.

6108. The day before the nomination?—I did.

6109. I believe on the day of the nomination there was a very considerable crowd in Castlebar?—Yes, there was.

6110. And a great many speeches made?—A great many.

6111. Upon that occasion, I think you made a speech in seconding Colonel Higgins?—In proposing him, yes; I made a bad one, a very bad one.

6112. Did you on that occasion call Captain Palmer an Orangeman?—I dare say I did. If you will show it to me I will admit it at once.

6113. I ask you the question?—I dare say I did.

6114. And I believe, besides yourself, Dean Burke made a pretty good speech in favour of Colonel Higgins, did he not?—He did.

6115. And used some strong language?—Well, I do not remember that he said anything very strong.

6116. Nothing very strong?—Nothing out of the way; he spoke to the best of his ability in favour of Colonel Higgins.

6117. He said nothing strong! did he say this, "That the cruelties committed on the people on Sir Roger Palmer's estate were not surpassed by the barbaric and inhuman conduct practised by Pizarro on the natives of South America"?—Perhaps he did; I had quite forgotten what he said.

6118. These sort of observations are common at elections, are they not?—Why, yes.

6119. Now, Captain Brabazon made a pretty strong speech in the interest of Colonel Higgins, did he not?—He did.

6120. He spoke pretty freely about Mr. Moore, I believe?—He did.

6121. And then I suppose that as the different speakers made their speeches, the friends below cheered or hooted, as the case might be?—There were very few of Colonel Higgins's friends there.

6122. But the bench in the court-house was as full as it would hold, was it not?—The bench would not hold 10 people, nor seven, nor more than seven.

6123. Now, then, will you give me these names, and tell me if they were there; Sir Richard O'Donnell?—Yes.

6124. The Very Rev. Dean Burke?—Yes.

6125. Joseph Burke, Esq.?—I do not know who he is.

6126. Captain Brabazon?—He was.

6127. Mr. Francis Burke; Dr. Burke?—The Doctor; I could not say.

6128. Was Mr. John Noland Ferrow present?—I assure you I cannot say.

6129. Mr. Courtenay Kenny?—I am sure Courtenay Kenny was present; he was present everywhere.

6130. Everywhere?—Oh no; not on that occasion —— Mr. Buchanan and I —— that is a secret between Mr. Buchanan and I.

6131. William Thomas Kenny, Esq., was he there?—I cannot say.

6132. Bernard M'Manus, he lives near you?—He does not live near me at all.

6133. Was he there?—I cannot say.

6134. Were there not a considerable number of Colonel Higgins's friends and committee-men there?—Yes; there were, I am sure, 30 of Colonel Higgins's friends there.

6135. On the bench?—No; but around the bench and along the dock.

6136. In the same building?—Yes.

6137. Now, then, I believe the place was railed off so as to give room for you and your supporters, or Colonel Higgins's supporters on one side, and Mr. Moore and

and Mr. Palmer's on the other?—Yes; but there was a rush into the house, and it was filled up by an excited mob.

6138. You, I dare say, saw a great many friendly faces around you?—I did.

6139. This was in the court-house?—Yes.

6140. I suppose when you made a speech, and said anything which found favour in the eyes of your supporters, or in their ears, you got a cheer, did you not?—Yes, certainly.

6141. And the dean too, I dare say?—No doubt.

6142. Perhaps that eloquent passage about South America brought a considerable cheer, did it not?—Very likely.

6143. Where did you go that evening; did you stay in Castlebar?—I went home.

6144. Now, then, you say that you saw Mr. Moore in the gallery?—I did.

6145. Was that the part which was railed off for Mr. Moore and his friends?—No, it was not railed off; it was a gallery separate at all times from the rest of the body of the court-house.

6146. Was Mr. Moore moving about that place?—He sat.

6147. Had he made a speech to the electors?—He did.

6148. Now, then, just tell me; on the Sunday you happened to go into Newport?—Yes; you mean Sunday, the 5th?

6149. Yes; you say that you saw some people there with Luke Ryan?—The Rev. Luke Ryan.

6150. How many people were there, do you think?—With the Rev. Luke Ryan?

6151. Yes.—I dare say there were 100.

6152. Do you mean to say there were 100?—Yes, I dare say there were; there might have been more.

6153. Were they peaceable and quiet?—They did nothing.

6154. Except drink whiskey?—Nothing; I had a large police force.

6155. Otherwise perfectly peaceable?—They were, because they went away at once.

6156. Did you bring the force of police to those people before you had seen them?—I did not; I found the police as I rode up there.

6157. And did you call the police to go and disperse them?—I did not.

6158. Who did?—Nobody.

6159. Did you see them dispersed by the police?—No; I dispersed them myself.

6160. By merely speaking to them?—Yes.

6161. Where was your son's house?—About half a mile from Newport.

6162. What is the name of it?—Seamount.

6163. Were you there on the Sunday evening?—I was.

6164. How many freeholders had been taken into your son's house?—I cannot say.

6165. Can you give me about the number?—I cannot.

6166. Ten?—There were more.

6167. Did they stay there the night?—They did.

6168. Twenty?—I dare say there were twenty; I am not certain; I dare say there were.

6169. Is your son a stipendiary magistrate?—No.

6170. Your second son?—My second son is, not my first son.

6171. But if that son is not, another is?—Yes.

6172. There was a pretty merry evening, was there not?

6173. Mr. *James.*] Were you there?—I dined there.

6174. Mr. *Karslake.*] Did you stay during the night?—I did not.

6175. Both your sons were there, I believe?—One of them was, and I think the other was too; but I am not sure.

6176. How late did you leave there that night?—Nine o'clock.

6177. And go home?—I did.

6178. About how far?—About half a mile.

6179. Did you pass through Newport?—I did, through a portion of it.

6180. *Committee.*] Nine o'clock?—Nine o'clock. It might have been a little after nine.

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6181. Mr. *Karslake.*] Did a man called Francis Sweeny come to your house before you left?—He did.

6182. Who did he come with?—He walked into the room where we were dining, in company with a man of the name—of the name of Sweeny.

6183. I am talking of Sweeny?—But there are more Sweenys than one.

6184. Francis Sweeny walked in with ——?—Anthony Sweeny.

6185. Was M'Hale there?—Is it the bishop?

6186. No; a voter called M'Hale?—I am not aware.

6187 Did you have any talk with Sweeny before you left?—Yes; he came up to me and appeared drunk.

6188. *Chairman.*] Which Sweeny are you speaking of now?—Frank Sweeny.

6189. Mr. *Karslake.*] Was he locked up anywhere in that house before you left that evening?—Not to my knowledge, nor do I believe he was.

6190. You did not see him locked up?—No, certainly not.

6191. *Committee.*] Was he a voter?—He was.

6192. Mr. *Karslake.*] Were you there again at that house between that time on Sunday night and Monday afternoon?—No.

6193. Did you see Sweeny at the poll at all?—No.

6194. *Committee.*] Was he a supporter of Colonel Higgins or Mr. Moore?—He did not vote.

6195. Mr. *Karslake.*] Was Mr. Pike at the house at the time you were there? He was.

6196. He was a deputed magistrate, I believe, was he not?—He was.

6197. You say that Sweeny was a little drunk when you saw him; did you give him some more drink?—No; he asked me for a glass of wine to drink Colonel Higgins's health.

6198. Did you comply with his request?—No; but I believe he got the glass of wine. I did not comply with his request.

6199. Did you, or Mr. Pike in your presence, ask him to vote for Colonel Higgins?—Certainly not; the very first word he said was for a glass of wine to drink his health, and to drink my health.

6200. Did you ask him to vote for Colonel Higgins?—No; he came in there; I supposed he was a supporter of his.

6201. *Committee.*] Did he belong to the town?—No, he did not; he belonged to a district below the town.

6202. Mr. *Karslake.*] Were you at Castlebar both days of polling?—Yes.

6203. From first to last?—Yes.

6204. And constantly attending in the booth?—Yes, very constantly.

6205. What number of tenants have you?—I could not tell you.

6206. About?—I suppose about 600 or 700.

6207. In that part of the country?—About Newport.

6208. Do you mean 600 or 700 voters, or 600 or 700 tenants?—No.

6209. How many voters?—About 50.

6210. I need hardly ask you whether you plumped for Colonel Higgins?—I did.

6211. Did most of your voting tenants follow your example?—Yes.

6212. Perhaps all?—No.

6213. Some exceptions?—Yes.

6214. How many exceptions were there among your tenants?—I cannot say at the present moment accurately; I think about four or five.

6215. Were they also tenants of other landlords; you have given us some; do you know Lord Lucan?—One was Lord Lucan's.

6216. Were they all tenants of other persons?—No.

6217. No?—No, not at all.

6218. Can you give me the names of those who did not plump?—No, I could not; if you give me the book, I could perhaps find them out.

6219. Never mind, if you cannot tell me. Now, I think you said that you were in the Costello booth a good deal during the polling?—No, I did not; I was not within 20 miles of it.

6220. Were you at the Carra booth?—I was.

6221. Who presided over that booth; was it Mr. William Maley?—Mr. Maley.

6222. Was he one of the committee which was formed for the purpose of supporting Colonel Higgins?—I am not certain.

6223. Do

6223. Do you know Mr. William Maley, of Turlow?—Perfectly.

6224. Did you meet him at all with the other supporters of Colonel Higgins, who were members of the committee?—I met him in the booth.

6225. Before that at the hotel?—No.

6226. At the committee-room?—No; I am not aware that I did.

6227. Will you say that you did not?—No, I will not say that.

6228. Do you not know that he was on the committee?—I believe he was; but I am not certain. There was no acting committee.

6229. I was just going to ask you that very question; you say that there was no acting committee?—No.

6230. Did the gentlemen who did support Colonel Higgins meet on several occasions for the purpose of securing his return?—They did; they met on Friday; on two Fridays previous to the election.

6231. And at other times as well?—No.

6232. How long was this room that you are speaking of retained for the committee?—I cannot say.

6233. Was it until after the election?—Certainly.

6234. Were you in that room during the election?—I was.

6235. And did you meet many members of the committee there?—No.

6236. Did you meet others?—I met a Dr. Barrett, a gentleman living in the town, and an agent of Colonel Higgins. I am not aware of meeting any others.

6237. No others?—No.

6238. Was there a meeting at the committee-room of which you were chairman on the 21st of March?—Yes; on the 20th.

6239. Was there one on the 21st?—No, not that I am aware of.

6240. Was there a meeting on the 21st, with Sir Richard O'Donnell in the chair, when certain resolutions were passed in favour of Colonel Higgins?—No.

6241. Is that what we call a Mrs. Harris?—A what?

6242. A Mrs. Harris; something like a fiction?—Something like it.

6243. Now tell me whether that was written and published by your authority (*handing a placard to the Witness*)?—This was a meeting that was held the previous day.

6244. Was that published by your authority; that is what I asked?—

6245. Mr. *James.*] Is that identified; has it been seen before?

6246. Mr. *Karslake.*] I want to identify it. (*The placard was marked by the Chairman for the purpose of identification*).

6247. Was that published by your authority;—It was.

6248. Did you hold a meeting on the Saturday?—The meeting was on the Friday.

6249. Had you a meeting of the committee on the 31st of March?—Yes.

6250. You had?—We had; not in Castlebar.

6251. Where then?—Claremorris.

6252. Mr. *James.*] Let me look at that bill (*The placard was handed to the learned Counsel*)?—Those were the resolutions that were passed on the previous day, and the persons that seconded and proposed.

6253. Mr. *Karslake.*] You say that there was a meeting on the 31st?—There was.

6254. Where was that held?—Of a committee in Claremorris.

6255. Was that a different committee from the one you had at Castlebar?—Yes.

6256. But you were perpetual chairman of all committees, were you not?—Yes.

6257. And you were chairman of that?—Yes. I think I explained before that all my supporters of Colonel Higgins were represented as members of Colonel Higgins's committee, from every part of the county; and those names were published as members of Colonel Higgins's committee; but it was not an acting committee at all.

6258. Did you have this meeting at Claremorris?—Yes; that meeting was in contradiction of the four bishops.

6259. But it was in Claremorris?—Yes.

6260. Look at that, and tell me, without comment, whether that advertisement was published by your authority (*handing a newspaper to the Witness*)?—It was. (*The newspaper was marked by the Chairman for the purpose of identification.*)

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6261. Did you have meetings of the committee at any other place besides Castlebar and Claremorris?—The friends of Colonel Higgins met at Ballyhaunis.

6262. Without a committee?—I do not know what you call it. It was a meeting of the friends of Colonel Higgins.

6263. Were those the active supporters of Colonel Higgins who met there?—In their districts some of them were, some of them were not.

6264. Any other place besides; I am afraid to mention these awful names?—Ballyhadereen, Ballina, Belmullet, Binghamstown, Claremorris, and several other places that I now forget.

6265. Now, at all those places where you present as chairman?—At all those that I speak of, I was.

6266. I think I may take it that there was hardly a more active supporter of Colonel Higgins than yourself throughout the election?—I did my best for him, and would do so again.

6267. Now, one word with respect to the booth at Castlebar; you say that you saw several of the priests there?—I did.

6268. I caught you to say that you saw them link the freeholders up to the poll?—Yes.

6269. Is that taking their arm; would they take the arm of the freeholders?—They would the arms; not the arm, but their arms.

6270. And pat them on the back?—After polling.

6271. Mr. *James.*] With a benediction?—Yes.

6272. Mr. *Karslake.*] Is that a mode which the Irish sometimes have of indicating pleasure or satisfaction with an action?—I am not aware.

6273. I do not know whether you patted any of the electors on the back that voted for Colonel Higgins?—Not one.

6274. Did you shake hands with them?—I dare say I did.

6275. That is your way of showing satisfaction?—I thanked them.

6276. Those were gentlemen who had plumped for Colonel Higgins, I suppose?—I was thankful for either.

6277. Did you shake hands with those who split, or thank them only?—I dare say I did the same.

6278. Were you at Ballina at all?—I was.

6279. During the polling at all?—No.

6280. *Committee.*] During the election, can you state, of your own knowledge, any instance of spiritual denunciation used by any priest against a voter for voting for Colonel Higgins, or for having promised for Colonel Higgins?—Of my own knowledge?

6281. Yes.—I cannot of my own knowledge, not attending the chapel.

6282. I did not gather from your evidence that that was the case?—Except at the meeting at Ballyhaunis; I heard the priest there say that any man that voted for Colonel Higgins would vote against his religion, and any man who voted for Mr. Moore would vote for his religion.

Re-examined by Mr. *James.*

6283. You are a Protestant?—Yes.

6284. You were not present at any of these chapels to hear any of these denunciations?—No.

6285. Now a Mr. Jeffery Martin; he was the first that came forward; did he say this, "The illustrious Archbishop of Tuam came here to-day, for the purpose of proposing Mr. Moore as a fit and proper person to represent this county in Parliament, but finding that his name was not in the register, and that he had no vote, it devolved upon me to take his place, and to come and propose George Henry Moore." Was that so?—It was.

6286. Your son had certain voters on this Sunday night at his house?—He had.

6287. For what purpose were they there?—Several of the freeholders complained that they had to sleep for two nights out of their houses for fear of being taken by force away on account of the denunciations of Father Ryan the previous Sunday.

6288. On account of the denunciations of Father Ryan; were the voters there for

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for protection (omit about denunciations)?—They were; they asked for protection, and got it.

6289. This Father Ryen, you say, was within half a mile of your son's house with this mob?—I did.

6290. While the men were having whiskey?—Yes.

6291. Had he any business or anything to do with that mob?—None. He had no business; it was out of his parish.

6292. You believe that he had gone there in consequence of the voters being there?—Certainly.

Archbishop *M'Hale*, called in, sworn, and Examined by Mr. *James*, as follows:

Archbishop *M'Hale.*

6293. WHAT is your Christian name?—John.

6294. What position do you hold in the Roman-catholic church?—Archbishop of Tuam.

6295. *Chairman.*] You are quite aware, I presume, that that is a title which this Committee cannot recognise; we know you as Archbishop, and are perfectly willing to recognise that as your title, but we cannot recognise you as Archbishop of Tuam?—I beg to explain, for a moment, that I have not obtruded the title upon the Committee; I should not do anything that would appear at all offensive, but, as the question was put to me, I do believe, and I am certain that I am Archbishop of Tuam; but, at the same time, if that should not be my legal identification here, I am quite satisfied with the title of Archbishop M'Hale.

6296. Of course the Committee are disposed to pay you every possible respect?—I should regret to assume anything that would be contrary to law, but I cannot resign the conviction of that being my title.

6297. Mr. *James.*] Is the county of Mayo in your diocese?—A portion of it is; a large portion.

6298. Are the priests in that county appointed by you, or upon your recommendation?—Appointed?

6299. If I do not use the correct technical term you will pardon me?—By appointment, whether you mean ordered by me, or whether appointed to their livings.

6300. Pardon me, if in using the expression I do not use the technical expression of the discipline of your church; I put appointed in its ordinary conventional sense?—Those that belong to the diocese of Tuam are appointed by me.

6301. You appoint both the parish priests and the curates?—The parish priests and the curates.

6302. How many in the county of Mayo are so subject to your appointment; how many priesthoods, and how many curacies?—I must confess that I could not tell you at this moment, though if it be a matter of any importance I can.

6303. About how many are there?—There are in the diocese of Tuam about 53 parishes; but of the number of parish priests there is a portion in the diocese of Galway, which may be about, I think, 15; if you take it from 50, you would have about 35, I think.

6304. *Committee.*] Is that both priests and curates?—No, parish priests; we could have one of the directories here; however, that is a mere statistical matter.

6305. Mr. *James.*] I suppose there are about the same number of chapels there, about 53?—There are a larger number of chapels.

6306. Larger?—Yes.

6307. Some parishes having more than one?—Some parishes have two chapels, and some few three chapels.

6308. You have stated that these bishops are appointed by you?—Not the bishops.

6309. The priests, I mean; have you the power of removing them?—The bishops are appointed by his Holiness the Pope.

6310. Have you the power of removing the parish priests?—For canonical reasons only.

6311. Have you the power of suspending them?—Yes, if they deserve it.

6312. But have you the power?—Surely I have the canonical power; I have no legal power over them whatever.

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6313. You say for canonical reasons only?—For canonical reasons.

6314. Supposing a priest were convicted of promoting riot, supposing he were convicted, should you have the power then of suspending him?—Yes, certainly.

6315. Now do you know the Rev. Peter Conway?—Yes, I do.

6316. Was he at any time a secretary of yours?—No, never; I do not know whether it happened he might write a letter casually, but he never was my secretary.

6317. Has he ever acted for you as secretary?—No, never; he might have written a letter for me, merely penned it, but he has not been formally my secretary.

6318. Are there certain parishes in the diocese which contribute emoluments to your episcopal revenue?—All the parishes.

6319. But are there not some set apart?—All the parishes do.

6320. Are there not some apart, which have what they call an administrator, which contribute to your revenue?—There are two.

6321. What are they?—The parish of Tuam, in which I reside, and the parish of Kilmena, these are the two parishes.

6322. In those two parishes which are set apart they contribute to your revenue, I believe, as archbishop?—Yes, they do.

6323. And the priest who has the care of that is appointed to it by you as administrator?—Yes, he is.

6324. Is the Rev. Luke Ryan your administrator in the parish of Kilmena?—Yes, he is.

6325. Appointed by you?—Appointed by me.

6326. Removable by you?—Removable by me.

6327. Who is your administrator in Tuam?—My administrator in Tuam, if I may use the expression, there are three persons, who act conjointly, and living in the parish myself, they are not so, strictly speaking, administrators as the other, because I reside there myself, and do a good deal of the duty; but, however, the chief, he is the Rev. Mr. Conry; he is called sometimes administrator, sometimes curate.

6328. Who are the others?—Another is the Rev. Mr. Coyne, the second; and the third is the Rev. Mr. Cochrane.

6329. When was the Rev. Luke Ryan appointed?—Well, I should think, like the question of the number of parishes, that is not a matter which I take care to remember, but it may be about six or seven years ago, between five and six or seven.

6330. I presume that you will have the right to remove the Rev. Luke Ryan, as administrator, for any cause you pleased, canonical or otherwise?—No; of course I have the power, but it is not to be supposed that I would remove him capriciously without a cause.

6331. Have you not the power merely to send a letter to him, to state to him that you have appointed another administrator in his place, without any canonical reasons?—I have a power which is to be exercised with a great deal of discretion, both ecclesiastical and otherwise.

6332. Have you the power, Dr. M'Hale, to remove the Rev. Luke Ryan from that administration at your will, and without any canonical reason?—I have the power, but it does not follow that it is a power that I should exercise without serious grounds.

6333. I did not ask that; I will assume that?—It is very necessary.

6334. Have you the power to recal his administration for any reason that you choose, and without any canonical reason?—I have the power to do so, but at the same time I am not supposed to do it without very grave reasons.

6335. I will take that answer?—It is necessarily involving a question; it is not supposed that any power is exercised capriciously.

6336. Do you know the Rev. Michael Curley?—I do.

6337. Is he your secretary?—As I mentioned of the other, he may write a letter; he happened to write a letter, as my secretary, to this Committee, begging of them to allow me to remain to discharge very important duties in the College of Maynooth. I am a trustee of that college; there is an annual meeting of the trustees to transact the business of the College of Maynooth, and it was to me a very serious inconvenience to come over here on Tuesday, the day fixed. Mr. Curley happened to be in the house at the time, and I begged him to write, as I

was

was engaged in many other things. I begged of him to write a letter to the gentlemen, I think the Parliamentary agents, if I mistake not.

6338. Did you allow him to write that letter (*handing a letter to the Witness*)?—Yes.

6339. Mr. Curley?—Yes.

6340. Was he staying with you in your house?—No; he was on a visit.

6341. Where was he staying?—He was in the house, but he was not staying there; he came to see me there.

6342. Did you ask him to write that letter in the character of your secretary?—I did.

6343. That is the same gentleman whose name has been mentioned in the course of this investigation; have you seen him here?—I do not know that I have seen him here to-day.

6344. Did he not come to England with you; did you meet him here?—I have seen him since he came to town.

6345. He came over to England with you?—He did; but mind, he came over on other business; that letter shows he was secretary for that moment.

6346. He was acting *pro hâc vice* as your secretary?—Yes.

6347. Now, for what parish does this gentleman officiate, the Rev. Michael Curley?—The parish of Killgeevor.

6348. Did you appoint him?—Appoint him parish priest, is it?

6349. Yes.—Yes, I did.

6350. Now, the Rev. Peter Conway I asked you about; Mr. Luke Ryan is your administrator at Kilmena?—Yes.

6351. The Rev. Mr. Curley has acted as your secretary?—Yes.

6352. And the Rev. Mr. Hosty, he is a priest, is he not?—He is.

6353. Of what parish?—He is a curate in the parish of Eglish, Castlebar.

6354. The Rev. Mr. Cahil, of what parish is he priest?—Castlebar, the same parish.

6355. Is he appointed by you?—Yes.

6356. The Rev. Mr. Green?—In the same parish; appointed by me.

6357. The Rev. Mr. M'Ivelly?—They have their ecclesiastical names, and they sometimes derive their names from the town; it is Newport; that is the name of the town.

6358. Is he appointed by you?—Oh yes, oh certainly; that is included in my first answer.

6359. The Rev. Mr. Joice, in the parish of Kilcommon, in the barony of Kilmain?—Yes.

6360. Was he appointed by you?—He was.

6361. The Rev. Mr. Prendergast, barony of Costello, was he the parish priest appointed by you?—Well, what parish? because there is a portion of the parish.

6362. Mr. Richard Prendergast?—Yes, the Rev. Mr. Prendergast; he was appointed by me.

6363. The Rev. Mr. Ivers, of Swinford?—No; Swinford is not in the diocese of Tuam.

6364. Was he not appointed by you?—No.

6365. It is not within your diocese?—I do not put my sickle into another man's harvest; it belongs to another bishop.

6366. Who?—Doctor Durcan.

6367. The Rev. Mr. Geraty?—What parish? there are more Geraty's than one; he is parish priest of Bacin.

6368. Is he appointed by you?—Yes.

6369. The Rev. Mr. Scully?—He is his curate, I think.

6370. Does the priest appoint a curate, or do you?—Oh, I appoint him.

6371. The Rev. Mr. Tinn?—I do not think there is any such priest; we have no such secular priest.

6372. Do you appoint the archdeacons?—Yes.

6373. Archdeacon Coughlan?—No, I only appoint my own; he does not belong to me.

6374. Who does he belong to?—He belongs to the Bishop of Acondrie.

6375. Archdeacon Brown do you appoint?—Oh yes, I appointed him.

6376. Well, then, were you in September 1856 present at a meeting which took place for laying the foundation of a Roman-catholic chapel at Louisburg?—Yes,

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—Yes, I was; I not only was present, but I assisted and performed the ceremony.

6377. Was the gentleman who signed that letter as your secretary, who is called Father Curley, was he present?—Yes, he was.

6378. After you had performed the religious ceremony, did Father Curley get upon the platform or rostrum?—Why, I really do not know; I do not know, because I retired after I had concluded.

6379. One question, if you please, upon that subject?—I suppose it was in September; I do not recollect the month; but I take it for granted it was that month.

6380. Do you remember Mr. Moore being present, the present sitting Member?—I do.

6381. Be kind enough to attend; after you had finished your religious ceremony, did not Father Curley, in your presence, get upon the rostrum and introduce George Henry Moore, Esq.?—There was no rostrum there.

6382. What was it; was it a platform?—It was not a rostrum.

6383. It is called a rostrum here?—Many other things may be miscalled.

6384. Did Father Curley, after you had performed the religious ceremony, introduce George Henry Moore, Esq., to that meeting, or to the people assembled there?—I should suppose he did; but I have no distinct recollection; I have no hesitation in believing it.

6385. Did you not hear Mr. Moore address the people?—I think I retired before Mr. Moore addressed the people, as far as my recollection goes.

6386. Are you accurate; did you hear Mr. Moore call you at the meeting?—I must have heard a few words from Mr. Moore; but I suppose I did not wait until he had done his address.

6387. Did you hear Mr. Moore, in addressing the people, call you the illustrious Archbishop of the West, the great champion of the people?—Well, I have no particular recollection.

6388. Pray, try and remember.—I have no particular recollection; but it would make no particular impression on me.

6389. Attend; did you hear Mr. Moore say that "the priests were to be instructed how, under the advice of the great Archbishop, they should decide the way that each Catholic voter should exercise his elective franchise;" did you hear Mr. Moore say that?—I have no particular recollection; but if afterwards my own opinion is asked, I can give it very freely and very candidly; my own opinions about electors.

6390. Did you hear Mr. Moore, in your presence, say that "the priests should be taught to lead the people, and how the priests, under the advice of the great Archbishop, should decide upon the way that each Catholic voter was to exercise his elective franchise"?—I have no particular recollection of that sentence.

6391. I have a reason for putting it to you.—And I have my reason, of course, for answering conscientiously what I believe.

6392. Do you believe that you heard that?—I do not know whether I did or not.

6393. Will you say one way or the other?—No.

6394. You will not?—No.

6395. Will you negative that you heard it?—No, nor will I say positively; I have no distinct recollection of it; I might have heard it, but I am not sure; I retired before he had done his address.

6396. But this is in an early part of it; now, can you tell this Committee distinctly or not whether you heard Mr. Moore say that, "under the advice of the great Archbishop, the priests alone should decide upon the way in which every Catholic voter should exercise his elective franchise"?—I have no recollection of that sentence, because that phraseology would be quite incorrect in theology or in canon law, and it is very unlikely that they would acquiesce in what is very wrong and very inaccurate. I was neither the Archbishop of the West, and much less the great Archbishop of the West; that is a title that no person can arrogate, and of course none could hear such an observation without a smile.

6397. Will you undertake to say that that was not said in your presence?—I do not know really; I said that before.

6398. You will not say that that was not said?—No; and even if it were, I would attach very little importance to it.

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6399. That is another thing.—My reason for saying I attach very little importance is, I do not see why that should be dwelt upon with such emphasis, which to me would be a matter of unimportance whether he said it or not; he might have said it or not.

6400. But you have no distinct recollection of it?—No.

6401. Did he speak before that assemblage in your presence, immediately after the religious ceremony had concluded, in the way which I have stated?—Yes, I think he did.

6402. Did he not speak, upon the introduction of Father Curley, and did not Father Curley get up in your presence and move a Mr. Lynch to the chair?—Yes.

6403. Which Mr. Lynch introduced George Henry Moore, Esq.; is not that so?—It may be so or not.

6404. This was in the chapel?—No, not in the chapel; it was laying the foundation stone of a new church.

6405. Was this held upon the ground which had been consecrated by yourself; was the speech made on that ground, and before that assemblage, which ground you had consecrated for the purpose of a chapel?—I dare say it was.

6406. Have you any doubt about it?—I think it was; because the platform might be outside the precincts or not.

6407. Was there a meeting held in March, of the bishops, and several of the clergy connected with Mayo, in Tuam, held in Tuam?—A meeting of the —— I wish you to repeat the question.

6408. Was there a meeting of the bishops, and several of the clergy connected with the county of Mayo, at which you were present, held in Tuam, in March?—There was; there were some bishops present, and some priests.

6409. Be kind enough to look at that; that will bring it to your recollection (*handing a newspaper to the Witness*)?—I see that.

6410. Take it in your hand; can you give me the date of that?—I think it was the 23d.

6411. Now, it was held in Tuam; where was it held?—Or rather I think it was the 22d.

6412. Where was it held?—It was in my house; if you call it a meeting; there were some gentlemen present at it; that was no meeting convened by requisition; it was a casual meeting of some of the bishops and clergy.

6413. It was a meeting of what?—It was a casual meeting of some of the bishops and clergy who assisted on that day, being the occasion of the consecration of the Bishop of Galway, the Right Rev. Dr. M'Ively.

6414. Was it held on the Sunday?—I have mentioned already that it was not a meeting called by requisition; it was a casual meeting of a few bishops and priests, who called at my house to pay a visit.

6415. Were they the bishops and priests who had been assisting in the ceremony?—Yes, they were.

6416. I will read it to you, because it is in evidence: "At a meeting of the bishops and several of the clergy connected with Mayo, held in Tuam, it was resolved that all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament." Did you sign that requisition?—If you give me the autograph of that, I shall answer without hesitation.

6417. I ask the fact?—If you give me the document with my name to it, I will answer the question.

6418. I ask you the question. My friend may object to your answering it presently. Did you sign that resolution? I am not asking the form of your signature, with a view to anything of that kind, but did you sign it?—It is exceedingly strange that I should be called upon to say that I signed any document; that I should be called upon to ——

Mr. *M. Smith.*] I beg you not to answer it.

6419. Mr. *James.*] Address yourself to the Chairman, and answer the question.—I address myself to the Chairman always.

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Mr. *M. Smith.*] You cannot ask about the paper without producing it.

Witness.] A document is produced with my name printed to it. I am asked whether I signed that document; at the same time it consists of a great many names, and probably it would require a person—I might require all the attention of such a person who took a copy of it. I have answered that if the letter is produced with my signature, I will answer unhesitatingly whether I have signed that or whether I have not, but that I certainly shall not, nor do I feel myself called upon without the writing is produced. I think it would be a very extraordinary stretch—I will not say of power, because it rests with you to ask me whether I signed that document or not, but be it perfectly understood, that I do not shrink from the responsibility of the substance of that or of anything else I have done; but that is a very different thing from saying, have you signed that document, or have you not. I could not say that.

6420. Mr. *James.*] Did you sign at that meeting a resolution?—I did; I signed a resolution.

6421. Look at that, and be kind enough to tell me—*(Handing a newspaper to the Witness?)*—I have mentioned before, that I will not say that that is, or is not it; if you put the document into my hands I will declare whether it is or not.

6422. Probably you know where it is; do you know where it is?—To cut the matter short, I do not, on my oath.

6423. Did you sign a resolution?—I did; but I will not say that I signed the resolution.

6424. Was there a resolution put at that meeting to this purport, "That all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament"?—I will not say that.

6425. *Chairman.*] Do you say that this is not the particular resolution, but the purport?—Even the purport; I could say a great deal about that; it strikes me that is not the resolution; it strikes me it is not a faithful copy of the resolution.

6426. Mr. *James.*] Will you tell the Committee what the purport of the resolution was?—No, no.

6427. Permit me; hear my question, and then answer; tell the Committee the purport of the resolution which you signed?—If the Committee ask me I will.

6428. I ask you; I have, as counsel, a right to ask you; tell the Committee the purport of the resolution which you signed?—The purport of the resolution does not differ much from the resolution itself; but as I mentioned to you from the commencement, that is not the resolution I signed.

6429. Will you tell the Committee the purport of the resolution which you signed; tell the Committee the purport of the resolution which was put and carried, and which you signed?—It was not formally put, but it was adopted.

6430. Tell the Committee the purport of the resolution which was adopted?—The purport of the resolution adopted was, that they should use all their exertions to support the faithful member, naming him, Mr. Henry Moore; but as far as I remember there was no mention of any other.

6431. Will you say that?—That is my own impression, but it may be otherwise.

6432. Have you not read that "Mayo Constitution" with that in it?—What?

6433. That before your eye now.—Yes, I saw that; I do not think these are the very words of our resolution.

6434. Did you read that paper with that printing in it now under your eye?—When?

6435. Whenever it was published.—I do not know whether I did or not, because it is a paper I seldom see; I am not a subscriber for that paper.

6436. Have you read that paper with that statement in it?—I say again I do not know whether I did or not.

6437. Do you read frequently the "Mayo Constitution"?—It is very frequently seen; I think it might pass without my seeing it.

6438. Do you read the "Mayo Telegraph"?—Yes.

6439. What

6439. What paper do you read in Mayo?—I do not take in many papers to read in Mayo.

6440. Do you read the "Tuam Herald"?—Yes, that frequently happens. Though I am a subscriber for the "Tuam Herald," resolutions and advertisements I never read.

6441. Do you not write in it?—No; unless there was a question of the pastoral, and they would copy it; I do not confess of ever having written a word in the "Tuam Herald" unless a pastoral letter which was not intended for the "Tuam Herald," but which I had sent to the "Tuam Herald" to print, and which they volunteered to put into the paper.

6442. The purport of the resolution which was adopted and signed by you was that you determined to support one who was faithful, and to support Mr. George Henry Moore?—We whose names were appended.

6443. Were there any other persons at that meeting besides the clergy; were there any laymen at the meeting besides the clergy?—I believe there were some laymen there; I do not doubt it.

6444. Give me the name of any layman at that meeting in your house at St. Jarlath on Sunday?—I think Mr. Swift, the former Member for Sligo, was there.

6445. Was Mr. Swift stopping with you or not?—No.

6446. How came Mr. Swift to be there?—Oh!

6447. But I ask you because you say there was no requisition. You say that they were the mere clergy that came there after the ceremony; how did he come?—He did me the honour of calling on me; he came to the consecration of the bishop.

6448. You say that you signed it; do you know Bishop Feeney?—I do not say I signed that.

6449. But you signed a resolution?—I signed a resolution, but not the resolution.

6450. You signed a resolution, the purport of which you have given to the Committee?—Yes.

6451. Was Bishop Feeney there; Bishop Thomas Feeney?—Yes, he was.

6452. Bishop P. Durcan?—He was in the house.

6453. Was he not at the meeting?—No, he was not immediately at the meeting, because——

6454. Not immediately at the meeting?—No, he was sick.

6455. Did Bishop Feeney sign the resolution?—I think he did.

6456. Did Bishop Durcan, who was sick, sign it?—It was brought in to him; I suppose he did.

6457. Another bishop, John M'Ivelly; did he sign it?—He did. Four bishops signed it, as well as I recollect.

6458. Who was the other?—Myself, and three others.

6459. Was the Rev. Richard Hosty there?—Indeed I am not sure. I do not know. I should say he was not.

6460. The Rev. Patrick Green?—He was not there, I think.

6461. The Rev. Henry Cahill?—I believe they were not there.

6462. Was Conway there; was Father Peter Conway there?—I am not sure.

6463. Well, try and remember, if you can; was Father Conway there?—I am not sure indeed. He might have been in the room, but not known to me; there were a great number of priests in the room.

6464. Was the Rev. Luke Ryan there?—I am not sure.

6465. Now, who drew up the resolution which was adopted, and which you signed?—I believe I did; I did not require a secretary then.

6466. But you drew it up?—I did; and yet, short as it is, I do not think that you have a perfect transcript of it.

6467. If it is short, you will be able to give it accurately the better?—I mentioned to you before what struck me as a very great discrepancy in it.

6468. But I am taking it as you have given it upon the notes?—I did not give any resolutions; I gave no form of it.

6469. Now you signed this, and you say that Mr. Feeney signed it, Mr. Durcan signed it, and Mr. M'Ivelly signed it?—Yes.

6470. You said that Father Conway was present; I forget your answer as to the Rev. Father Curley; was the Rev. Luke Ryan present?—I am not sure; indeed I did not attach much importance to it.

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6471. I asked you whether any laymen of influence were there?—Mr. Swift was in the house.

6472. Has Mr. Swift anything whatever to do with the county of Mayo?—In what respect?

6473. In any respect, as having influence or property there.—He was present at the consecration of the bishop.

6474. Has Mr. Swift anything whatever to do with the county of Mayo?—None whatever.

6475. He is in trade in London, and was formerly Member for Sligo; that is the same gentleman, is it not?—Yes.

6476. Was he stopping with you at St. Jarlath?—No; he did me the honour of calling upon me at the time.

6477. At that time he was going to start for the county of Sligo, was he not?—It was about the same time.

6478. Mr. Swift has no connexion with Mayo at all?—So you say.

6479. But I ask you?—Very well.

6480. Has he?—I am not aware.

6481. Had he not come to you with reference to the election for Sligo?—The election for Sligo has nothing to do with Mayo.

6482. Was that the cause of his visit; now, come?—It formed a portion of his business I believe; at the same time he did me the honour sometimes of visiting without any such object.

6483. Now, attend; having signed this resolution, and the other bishops having signed it, drawn up by yourself, what was done with it?—Really I do not know; when once it left my hands I do not know what became of it.

6484. Into whose hands did you give it?—I really do not know.

6485. Who took it?—I do not know; probably I left it on the table, and what became of it I do not know.

6486. What did you have that written and prepared, and signed by yourself and the three bishops for?—For the purpose of conveying our sentiments with regard to the merits or demerits of the rival candidates for Mayo.

6487. But what was to be done with the resolution had it been passed—I will use your own expression—that had been adopted, signed by yourself?—Yes.

6488. And the three bishops?—Yes.

6489. I ask you for what object was that resolution prepared by you, and signed?—I mention the object now.

6490. What?—For the purpose of conveying our sentiments with regard to the merits or demerits of the candidates.

6491. In what way?—I do not know.

6492. Do you mean that?—Yes.

6493. Do you know that it was published?—I do not know whether it was to be published or not; I certainly did not direct its publication.

6494. I did not ask you that; do you know that it was published?—It appears now; I know now that it has been published.

6495. Again I must ask you, through what medium was that resolution to be made public?—I will answer again that I do not know; that I gave no direction whatever regarding the medium.

6496. Was anything said at the meeting in your presence about what was to be done with it?—I am not aware.

6497. Do you mean to say that you wrote it, signed it, and the three bishops signed it, to be left upon your table merely?—Oh no; I mentioned no such thing.

6498. What was your object in signing it, and the three bishops signing it?—I mentioned my object, that it was to convey our opinions.

6499. To the electors?—To the persons who had an influence with regard to the election.

6500. To whom?—To the electors.

6501. Was it to be sent to every parish priest?—No directions given.

6502. I ask you, then, if you intended it to be sent to every parish priest?—I gave no such directions.

6503. I ask you whether you intended it?—I gave no such directions.

6504. Upon what table did you last see that resolution, if it had your signature?—I really do not know.

6505. In

6505. In what room of your house?—The very room in which it was written; it was the parlour.

6506. Do you mean to tell the Committee, that after you had signed that resolution, and left it on the table, you do not know what was done with it?—I do mean to tell the Committee distinctly.

6507. *Committee.*] Did I understand you to say just now, "I know now that it was published"?—Of course, I know now, because I see it there in "The Mayo Constitution;" but we gave no direction whatever for its publication; none.

6508. But it is only to-day that you have seen it for the first time?—I do not know whether I saw it before or not. I attach very little importance to it; but I gave no directions for its publication, and it was a matter of very little consequence whether I saw it afterwards or not, because my seeing it had no possible influence upon its publication.

6509. Mr. *James.*] Do you not know now what became of that resolution which you so signed upon your table, in your palace or house?—I mentioned before that I do not, and I think that ought to satisfy you.

6510. Do you not know that that resolution was given to Mr. Kelly, the proprietor of "The Tuam Herald," for publication?—I do not.

6511. Pray mind.—I do not know.

6512. Did you not read it in "The Tuam Herald"?—Very possibly I might; but I have no recollection of it.

6513. Did you not read it in "The Tuam Herald" within three days of your having signed it and left it on the table in your room?—It might have been in "The Tuam Herald;" but it does not follow that I read it.

6514. I ask you if you read that resolution in "The Tuam Herald"?—Well, I really do not know whether I did or not; I might have read it; it is a matter of very little importance whether I did or not.

6515. I am not speaking of the importance of it?—I have no recollection whether I did or not.

6516. Will you say that you did not?—Well, I will not say that. I will not go into complicated questions like that.

6517. Now, you were at Castlebar on the day of nomination?—I was.

6518. Did you go in for the purpose of proposing; did you go into the town for the purpose of nominating Mr. Moore?—I cannot say that I did, for I was told I had no right to propose him.

6519. Did you go into the town of Castlebar with the intention of nominating Mr. Moore?—I could not intend to nominate him if I had not the right to do so.

6520. Your being told that you had not the right to nominate him, did you go into that town of Castlebar on the day of nomination with the intention of nominating him?—I am sure I did not, because I had very serious doubts; if I were sure that I had a right to nominate him I would, but I was told that my name was not on the register.

6521. When were you told that?—I was told it some few days before; not many days before.

6522. If you had been told a few days before that you could not nominate Mr. Moore, why did you go?—Why did I go?

6523. Yes.—I went to Castlebar; I had a right to go.

9524. What was your object in going?—I took an interest in the election.

6525. Were you not told at Castlebar that your name was not on the register, and that you could not be allowed to speak?—I think I was told before; I think I mentioned before that I was told I had no right.

6526. By whom were you told?—I do not know.

6527. Were you not told at Castlebar that your name was not on the register, and that you would not be allowed to speak?—I was told before.

6528. Were you told at Castlebar?—I do not know.

6529. Did you go into the court-house?—No.

6530. Where did you go?—I went to a priest's house.

6531. Whose house?—Mr. Hosty's.

6532. In Castlebar?—Yes.

6533. Who went with you to the nomination?—I did not go to the nomination.

6534. Who went with you to Castlebar; I thought you went because you said you had a right to go?—I went to the town of Castlebar, but I did not go to the nomination.

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6535. Who went with you?—The Rev. Mr. Conry.

6536. Who else?—He was my only companion from Tuam.

6537. I must ask you this, because the parties are here who told you, I believe; were you not told on the steps of the court-house that you would not nominate Mr. Moore, because you were not on the register?—No, I was not told any such thing, because I was not on the steps of the court-house.

6538. Were you at the gates of the court-house?—I was a good distance from the gates.

6539. Were you told a good distance from the gates that you could not speak and nominate Mr. Moore?—Really I had no intention to speak before; it was probably unnecessary, and quite an officious thing.

6540. Officious or not, were you told at a good distance from the gates that you could not speak or nominate Mr. Moore, because you were not upon the register?—I do not know; I attached very little importance to it, because I was aware I was not going to speak.

6541. Did you see Mr. Moore on the day of nomination?—I did.

6542. In the town of Castlebar?—Yes.

6543. A good distance from the gates?—Yes.

6544. What other priests were with you at the time that you saw Mr. Moore a good distance from the gates?—I think three or four other priests were there.

6545. Father Conway?—I believe he was.

6546. Father Curley?—I think he was.

6547. The Rev. Luke Ryan?—I am not sure.

6548. The Rev. Mr. Hosty?—I should think he was; I am not sure.

6549. Any of the bishops?—Not one.

6550. How long did you remain at Castlebar that day?—I remained the entire day.

6551. Did you see Mr. Moore after the nomination?—Oh yes, I did.

6552. Did he come to you?—He called at Mr. Hosty's house.

6553. That is where you were stopping?—Yes.

6554. While you were in the town of Castlebar, did you meet a Roman-catholic priest named the Rev. James Brown?—Yes, I did.

6555. Of Carmacan?—Yes.

6556. Did you speak to him upon the subject of the election?—I spoke to him.

6557 Upon the subject of the election?—No, I do not think I did.

6558. Try and remember: did you say to him, with reference to the election, that you "respected an open enemy, but you detested a secret foe," or words to that effect?—I am not aware that that is the language I used.

6559. I ask you to that effect?—Well, I don't think it was; I do not think I used language exactly to that effect.

6560. But to what purport, as we say?—Something.

6561. Was it with reference to his supporting Colonel Higgins?—There was no word of Colonel Higgins.

6562. But whatever you said to him, was it with reference to his supporting Colonel Higgins?—There was no question of one candidate or of the other, or of the election.

6563. Of not supporting Mr. Moore, then?—No; I did not mention the word "election," nor Mr. Moore, nor the other.

6564. But what had it reference to; tell the Committee to what it had reference?—It had reference to a matter not connected with the election.

6565. What matter?—It had reference to a resolution adopted, I think, by the Rev. Mr. Brown, some days before, or perhaps some weeks before.

6566. Had it reference to a resolution, adopted by Mr. Brown, at the meeting held at Armstrong's Hotel, on Monday, the 23d of March?—The 23d of March?

6567. Yes.—I do not think it had.

6568. With reference to a resolution adopted by the clergy of the diocese of Tuam, held at Armstrong's Hotel?—No; not to my mind.

6569. Where was it adopted, the resolution to which this had reference?—At Castlebar; some time previously there was a meeting at Castlebar, and a public dinner given to Mr. Moore; a short time after, there appeared a resolution, to which three names were appended; Mr. Brown's was one, and there were two other clergymen, I think; the resolution appeared to me to be rather an imprudent one.

6570. In

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6570. In what respect was it imprudent?—He remarked with some severity upon the conduct of a journalist, the editor of the "Freeman's Journal," and I thought so imprudently, that it would have been very unwise to excite the hostility of the editor of a respectable journal, and I think he associated or connected the conduct of this gentleman in not giving, what he thought, an impartial or a proper report of the proceedings. I think he identified his conduct with what is very odious in Ireland, and involves all the persons who were supposed to be connected with that system in a great deal of public odium. He identified the conduct of the editor of the journal with Sadleirism, and I thought that was exceedingly imprudent to array in opposite ranks the editor of a very respectable newspaper, and which had served remarkably well the cause of the Catholic people of Ireland. He also paid what I considered a very undue compliment to an agent of a large landed property in the county of Mayo, and by paying this compliment to this gentleman, who was also arrayed against Mr. Moore, he was certainly doing a great deal to conciliate the feelings and affections of the freeholders towards this gentleman; and it struck me that neither the one deserved the imputation of Sadleirism, nor did the other, this agent, deserve any compliment whatever on the part of the Catholic clergy, because he was generally found, at least represented, to use all the powers of an agent in driving the tenantry, as he would a parcel of cattle to a fair, to the fair of Ballinasloe. Without reference to the merits or demerits of the candidates, it struck me not right that a gentleman would be professing regard for the popular candidate, for the interest of the people, and, at the same time, doing that by which his professions would be in a great measure neutralised. That is why I discountenanced the Rev. Mr. Brown.

6571. Had you heard that he was supporting Colonel Higgins?—Supporting him?

6572. Yes.—There was an impression that he was.

6573. Was there not an impression that he was favourable to Colonel Higgins?—From the very facts I have adduced, it seems that he was.

6574. With those facts before you, did you say to him in the presence of several priests, and in the public streets, that you respected an open enemy, but that you detested a secret foe?—No, I did not mention that.

6575. To that purport?—Yes. I mentioned already something; your question required an explicit answer.

6576. Do you know that the Rev. James Brown voted against Colonel Higgins afterwards; first of all, did you say this to him in the presence of several priests?—There were several priests by.

6577. You say that he was in favour of Colonel Higgins; I ask you, if you know now that the Rev. James Brown voted against Colonel Higgins?—I heard that he plumped for Moore, and yet I know that he would have been thought more favourable to Mr. Moore had he divided with his associate or with the other candidate.

6578. Did you say, at the time of this conversation, that you knew that the Rev. Dean Burke, an old friend of the family of Colonel Higgins; that he was supporting him; did you mention his name?—I did.

6579. At the same time that you mentioned this, did you say anything about the Rev. Dean Burke, whom you knew was supporting Colonel Higgins?—I did not.

6580. You did not mention his name?—I did not, as far as I recollect; I do not think I did.

6581. You remained at Castlebar that day?—I did.

6582. Did you go home to St. Jarlath in the evening?—It was rather a long distance; I went the following day.

6583. Did you, during that day, go to Armstrong's Hotel at Castlebar?—I think I did not.

6584. Try and recollect?—I think I did not.

6585. Are you accurate?—As far as I recollect, I do not think I did.

6586. When you got home from Castlebar did you call at Mr. Moore's?—No, I did not.

6587. Did you see Mr. Moore the following day; were you in company with him?—No, I believe not.

6588. You did not call at his house?—No, I did not.

6589. But at his mother's house?—Nor at his mother's house.

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6590. Did he live with his mother; you have been there, I believe?—Yes, he does.

6591. Did you not, during the election, call at Mrs. Moore's?—During the election?

6592. Yes.—No, I do not think I did.

6593. Before you returned to Tuam from Castlebar, did you not call at Mrs. Moore's, Moore Hall?—No, not on that occasion.

6594. After leaving Castlebar and before arriving at Tuam, did you call at Mrs. Moore's?—I do not think I did.

6595. Did you come on to Castlebar?—No; I think I did not; I am sure.

6596. You are sure you did not?—For the reason I say on those occasions; perchance, unless I kept a diary of all my movements.

6597. But during the election?—It is almost certain I did not; I can say now that I did not call at Moore Hall, either coming to the election or going back.

6598. I believe you were not in the town of Castlebar on either of the polling days; Ballinrobe is the nearest to Tuam?—You may for certain say that I was not; during the polling days I was not in Castlebar.

6599. Where were you on the polling days?—I was in Tuam.

6600. Now, did you hear of any conduct at all of the Rev. Father Conway during the election?—I have heard of it since; not during the election.

6601. Has the Rev. Father Conway been stopping at your house since the election?—He might have called; he has never been staying at my house beyond calling at it.

6602. Has he been staying the night there?—No.

6603. Have you been at his house at Ballinrobe since the election?—Oh yes.

6604. Frequently?—Not frequently; I have been there at the time of the visitation.

6605. When was that; the election was in April?—It was since the election.

6606. Was that held earlier than usual this year?—It was about Pentecost; it was about the usual time.

6607. Earlier than usual?—No; about the usual time.

6608. Not earlier?—No; I commenced at the very same time that I usually do.

6609. Now, were you invited to a dinner of Mr. Moore's supporters after the election?—Yes, I was.

6610. You were?—I was.

6611. Where was that dinner held?—There might have been many dinners.

6612. Was that a dinner held in Daley's Hotel, in Westport; were you invited to a dinner which was given to Mr. Moore, or supposed to have been given to Mr. Moore, at Daley's Hotel, at Westport, on the 14th April 1857, after the election?—Oh yes, I was.

6613. Did you send a letter on April 14th 1857?—I sent a letter.

6614. To excuse your attendance?—Just so.

6615. Now, the Rev. Father Curley, you say, came over here with you?—Yes.

6616. Did the Rev. Luke Ryan come with the same party?—No, he did not.

6617. You have seen him since he came here, have you not?—Since I came to London?

6618. Yes.—No, I did not.

6619. You have not seen him since you came to London?—No. Mr. Curley came on other business, unconnected with this; we happened to travel together.

6620. How often have you been with Father Conway since the election?—How often have I been there since the election?

6621. Yes.—I do not recollect being there except during the visitation that I mentioned just now of the deanery.

6622. Now, where is the Rev. Mr. Green a parish priest?—He is not a parish priest.

6623. Is he a bishop, or archdeacon, or what; curate?—He is neither; he is curate.

6624. Wer

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6624. Were you present at a chapel in which he was when the petition to the House of Commons by Colonel Higgins against Mr. Moore was read?—Was I in the chapel?

6625. Yes.—On that day?

6626. Yes. Were you in a chapel when the petition of Colonel Higgins was read?—I was not.

6627. Were you in the sacristy, close adjoining the chapel, when the petition of Colonel Higgins against the return of Mr. Moore was read by Mr. Green, the curate, in the chapel?—I do not know. I have no distinct recollection of having heard it in the sacristy.

6628. Did you hear it anywhere else?—No; I do not recollect I have heard it read.

6629. Would you not remember the fact; it is not very long since; whether the petition which Colonel Higgins had presented against the return of Mr. Moore was read?—Yes; what is the question?

6630. I ask you, if you were present?—No; I mentioned I was not.

6631. You were not?—No.

6632. You did not hear it?—No, I did not hear it; at the same time, I am sure it was read.

6633. By Mr. Green, the curate?—Yes, by Mr. Green, the curate.

6634. In the chapel?—In the chapel, I believe.

6635. Had you been there?—I was not there while it was read.

6636. What had you been to the chapel for; had you been performing some archiepiscopal duty there?—I was.

6637. What was it?—I was blessing a nun.

6638. Was Mr. Green there?—He was not there, I think, on that occasion; I do not think that is the occasion. I said mass that morning, and exhorted the people; that is all I did there.

6639. Is that the occasion to which you allude, of the petition of Colonel Higgins being read in the chapel?—Really I do not know.

6640. No?—Really I do not know, but I believe it is.

6641. You believe it is the petition which was read in the chapel?—Yes.

6642. To the congregation?—To the congregation.

6643. Has not that petition, with your sanction and knowledge, been read out to the people in the chapels in your diocese?—With my knowledge?

6644. And sanction?—I gave no sanction to it.

6645. With your knowledge?—Well, I dare say it may have been read, or it may not.

6646. I ask you whether, to your knowledge, that petition of Colonel Higgins has been read in the chapels of your diocese?—I answer I do not know whether it was or was not, or whether it was read in all the chapels or not.

6647. In any?—I dare say it has.

6648. In many?—I do not know how many, because I gave no directions.

6649. Read with your knowledge of the fact; that it had been read, I will say at once, in most of the chapels in your diocese?—I will not say most.

6650. In many?—I do not know; I won't know.

6651. You won't know?—I don't know.

6652. Has it come to your knowledge, as Archbishop of that diocese, that this petition of Colonel Higgins to the House of Commons has been read in chapels in your diocese?—It has not come to my knowledge as Archbishop of the diocese.

6653. Has it come to your knowledge as Doctor M'Hale?—No.

6654. Has it come to your knowledge at all?—No, except as I would hear any casual thing.

6655. As you would hear any casual thing?- Yes; there was no sanction given by me.

6656. Have the priests the right canonically to read out petitions, or to make addresses from the altar about candidates without the interference of the Archbishop?—Have they a right?

6657. Yes.—A great deal depends upon their own discretion, and must and will to the end of time.

6658. Have you the right canonically to suspend a priest who has denounced a candidate from the altar?—I should have all the circumstances laid before me.

6659. Have you the right, upon the circumstances laid before you, and if you were

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were convinced of the facts, have you the right, as Archbishop, to suspend a priest who has denounced a candidate from the altar?—Denounced a candidate?

6660. Yes.—Have I a right? It might be a very extravagant exercise of it.

6661. Have you the right to suspend a priest who denounced from the altar, after mass, a candidate from that altar?—Who denounces?

6662. Yes.—What do you mean by denouncing?

6663. What do I mean?—Yes.

6664. I will tell you now; I will ask you what you call this, said by a priest at the altar, standing in his vestments at the altar; he said, "The curse of God would come down upon any one voting against his country, and his country's cause, and voting for Colonel Higgins was doing so;" what do you call that by a priest at the altar? do you call that a denunciation or not?—Do you wish to have my opinion upon that?

6665. I ask you do you call that a denunciation?—That is the sentence you have read.

6666. Yes; I will read it to you again; the priest, after mass, standing at the altar in his vestments, and saying to his congregation, "The curse of God would come down upon any one voting against his country, and his country's cause, and voting for Colonel Higgins was doing so"?—I will give my opinion upon that when I find the case come before me.

6667. It is before you now?—No; there is an assumption of truth there which remains to be proved.

6668. Supposing it to be true, and supposing that the Rev. Luke Ryan does not contradict it, supposing it to be true that the priest said that "the curse of God would come down upon any one voting against his country and his country's cause, and voting for Colonel Higgins was doing so," do you call that a denunciation, assuming it to be said from the altar in the way I have stated it?—You will consider my position, that here I am a witness, and in that case, or a similar case that may come before me in my judicial capacity, of the truth or falsehood of it I know nothing, and as it is always inconvenient for a person to give an opinion in one capacity which may compromise him or his authority in another, I beg leave to decline to give any answers in a particular case, except as far as a general answer, that such conduct I should not like.

6669. Such conduct you should not like?—Such conduct I should not like.

6670. I put this question to you; answer it or not; if those facts were proved to you, would you suspend a priest?—I will answer that question when all the circumstances come before me.

6671. You decline to answer it?—When all the circumstances come before me I will answer it; I do decline.

6672. Do you call that a denunciation, whatever you would do as Archbishop upon it; do you call that a denunciation from the altar?—This is my opinion, that it is prohibited by our rules and statutes to denounce any person from the altar for any cause, and I will also add that I would be as unwilling. I would regret that any person should be denounced in his political capacity as in any other; it is not right that persons should be denounced by name from the altar.

6673. Had it not come to your knowledge that Colonel Higgins had been denounced from the altar in many of your chapels Sunday after Sunday? pray attend.—No; it had not.

6674. That you say?—That I say in my official capacity.

6675. Had it come to your knowledge, as John M'Hale?—No; it is quite likely that it might have been bruited in conversation; it may have been mentioned in newspapers; it may have been conveyed in a hundred ways, but it has not been laid before me in my official capacity.

6676. Has it come before you as John M'Hale, and not in your archiepiscopal capacity?—No, not in a way that I should take cognizance of it.

6677. Have you suspended a single priest, or caused inquiry to be made into the conduct of any priest since the last election on account of this?—No complaint has been made to me. When complaint shall be made to me of the conduct of any priest, I shall investigate and shall judge also impartially, but I have no notion of listening to mere rumours, or to such statements as may have been made here even.

6678. Has

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6678. Has not a Mr. French complained to you of the conduct of the Rev. Luke Ryan; he is your administrator; you know you could recall him at any time. Has Mr. French complained to you of the conduct of Luke Ryan?—He did not.

6679. Of no priest? Has Mr. French complained to you of the conduct of a priest at the altar during the election?—No, he has not, as far as I recollect.

6680. Of any priest?—Not at the altar. He complained to me of some priest about some language, but not at the altar.

6681. Now, since this election, have you subscribed to a fund called the "Moore Indemnity Fund"?—I have.

6682. Is this your subscription—"The Archbishop of Tuam, 10 *l.*"?—That is my subscription.

6683. Is that for the purpose of defending this petition?—It is.

6684. Did you at your visitations call upon your clergy to subscribe—several of them?—I do not think I have called upon them; they are very willing themselves.

6685. Have you at your visitations urged your clergy to subscribe?—No, not urged; they did not require it.

6686. At your visitations have you mentioned the fact of the subscription, and requested them to subscribe?—Yes; I thought it a very proper thing, and still think it a duty.

6687. Impressed with a notion that it is your duty, have you requested your clergy to do that at your visitations?—I might think it my own duty, without at the same time pressing them; many of them have done it without any intimation whatever from me; they have anticipated me; a direct answer to your question would imply that those persons who had subscribed did so at my instigation, that is not the case.

6688. Did you ask them to subscribe at your last visitation?—I do not think I did; they generally subscribed without my asking.

6689. You do not answer the question.—I recommended the measure.

6690. You say that you recommended the measure; you are aware that nobody has subscribed to this petition except the priests; are you aware of that?—To what petition?

6691. The Moore Indemnity Fund; none but priests in Mayo?—I think so.

6692. Give me the name of one layman?—I am sure there are laymen.

6693. You are at the head of the list; give me the name of a single layman who has subscribed a farthing?—You infer that not one subscribed because I cannot give you the name. I am sure that would be a conclusion that would extend beyond the premises.

6694. Can you give me the name of a single layman who has subscribed in the county of Mayo to the Moore Indemnity Fund?—I am sure there will be plenty of witnesses to tell you there are.

6695. Can you give me the name of any one?—No; and that shows how little conversant I am in those matters; it shows how little conversant I am with the details of this business.

6696. Now have you heard that the Rev. Luke Ryan, your administrator at Kilmena, said from the altar this, that he would not give those who voted for Colonel Higgins confession nor the sacrament; they should go to the bishop, and that the bishop himself expected that the men of Kilmena would do their duty; have you heard that he stated that from the altar?—I hear it now from you.

6697. Have you heard that before?—No, except what I read in the papers here lately.

6698. Is that the first time you have heard it?—Yes.

6699. That is your own parish?—Yes.

6700. And he is your administrator there?—Yes; there is no telegraphic communication between him and me.

6701. No telegraphic communication?—No; that parish is far away from me.

6702. How far?—It is probably 36 miles, I think.

6703. Have you been there since the election?—No, I have not.

6704. You have not?—Not in that parish.

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6705. Now at the time of the election, were there several parishes vacant, not filed up by yourself, at least the priests not appointed?—Yes, there are some.

6706. How many vacancies are there now?—There are, I think, two.

6707. More than two, are there not; what are they?—The parish of Castlebar is one.

6708. That is one of the best in the diocese, is it not?—And the parish of Kilcommon and Robin, the united parish.

6709. Is Castlebar one of the best parishes in the diocese?—What do you mean by best?

6710. One of the most lucrative?—What do you call the best? I do not consider the most lucrative the best.

6711. Were they vacant at the time of the election, and are they vacant now?—Yes.

6712. How many were vacant at the time of the election?—I should think that number.

6713. Are they now vacant?—Yes.

6714. Were there not vacant at the time of the election five parishes?—I am not aware of it; I am not aware there were; if they were, I should like to know what they are; I am not aware what they are.

6715. Have you filled up any since the election?—No.

6716. Still vacant?—Yes,

6717. Is it usual to leave them so long vacant?—Sometimes it is and sometimes not, when there are wise reasons for it.

6718. Did any persons or any gentlemen call upon you before the election about being candidates for the county of Mayo?—Well, now you have introduced a question about those, perhaps it is right I should explain with regard to those.

6719. Certainly, in any way you like.—It happened in the parish of Castlebar, to which you have made particular allusion, that there was a property connected with a convent involved in a good deal of litigation. I had purchased premises there for the erection of a convent, expending a good deal of money on the premises. The matter was drawing to a conclusion, and the nuns were labouring under very great difficulties. It is a very painful thing to leave respectable females in difficulties; and had I appointed a parish priest a year ago, when it became vacant, I should not have been able to draw upon the funds of the parish for any other purpose than to give the funds to the parish priest; and as they laboured under difficulties, I thought it quite right to appropriate both to the assistance of the convent, and the maintenance of the nuns, and also to the purchase of altar furniture, some of the revenues that might remain as a surplus after the support of the curates. The consequence is, that this very year the nuns have got 30 *l.* out of the revenues of the parish, which they required very much; and when there are wise reasons of that sort, the bishop is enabled to leave a parish vacant. The same thing occurred with regard to the parish of Kilcommon; it is more than a year vacant, and certain furniture is prescribed. It is required that baptismal fonts be erected; that confessionals;—perhaps you are not acquainted with these things——

6720. Well, I have seen them.—Also be fitted up; that certain decent and becoming chalices be also purchased. Had I immediately appointed to those places, although the regulations of the diocese and the Church would empower me to see that those things should be done, it is not everything that is lawful that may be sometimes expedient. It is all the power of suspension; it is very easy to talk about the power of suspension, but everything lawful is not expedient; but I have devoted a year ago, before the election was ever thought of—before this matter that dissolved Parliament was ever contemplated, last summer I got those things purchased in Dublin, and I have an account of the moneys expended by the curates on those very necessary and useful articles, which I could not so well exact or require from a parish priest; and though I might say "Your chapel required this or that," they would say "The place is very poor; it cannot afford it." And therefore while I have the opportunity I wish to provide for the decencies of the Church, it was quite necessary, because, without imputing any improper motive to you, I acquit you of everything; you have been remarkably well instructed.

6721. I trust

6721. I trust I have been as well answered as instructed.—I think the explanation was necessary, and such as will justify me.

6722. Now, did any gentleman apply to you about being candidate for the county of Mayo?—Lately?

6723. Yes; at this election; do they generally come to you?—This last election?

6724. Yes.—I have no electi oneering office; I never gained sixpence halfpenny by an election; this is very im portant I assure you. I think it will throw some light, it will give some light to the auditory by whom I am surrounded. I have not been brought here but because I have been supposed to be very much implicated in what are called political transactions these many years. I venture to say I have been more a loser by that than a gainer. Under no possible aspect, either of patronage, or of money, or of any other means by which an electioneering candidate promoted the interest of this person or that person, I am on my oath, I think I can acquit myself before the Committee, to say that, neither directly nor indirectly, did I ever gain anything by political elections.

6725. I do not attribute to you that the candidates have paid you anything.—No; but that will throw light upon the part I have taken in the elections; and, coming in that disinterested way, I think it will be apparent that I have been prompted by no feeling but a sense of duty.

6726. Now, what became of that resolution; have you ever seen it since?—What resolution?

6727. The original resolution which you prepared at that meeting, and which was signed by yourself; have you ever seen that manuscript since?—No, I do not think I did.

6728. Do you not remember?—I wish I had it.

6729. Have you never seen it since?—I am sure I have not.

6730. Do you know where it is now?—Really I do not.

6731. No?—I do not indeed.

6732. Now you said that you did not keep an election office; nobody suggested that you did; but have candidates been in the habit of applying to you before starting for the county of Mayo?—They have been in the habit of applying to any quarter where they thought they could get aid.

6733. Mr. Swift was there on the same errand?—I think not.

6734. Not about starting?—He might have been there, and he might have talked about this business; but I cannot say that it was his leading business.

6735. Now, have you applied to a gentleman to start for Mayo?—To start?

6736. Yes; to be a candidate for Mayo; did you tell him that you would adopt him?—I am not aware of it.

6737. Did you apply; pray attend; the gentleman is not far off; did you apply to a gentleman to start for the county, and tell him that you would adopt him and return him?—I do not recollect.

6738. *Non mi ricordo*?—I do not remember.

6739. As you keep no election office, and never took money, as nobody suggested you did, do you not remember applying to a gentleman to start for the county at this very election, and saying that you would adopt him and return him?—I do not recollect it.

6740. You do not recollect it?—It is a fair answer, a just answer, a right answer, a true answer.

6741. Will you say that it did not take place?—I have so many elections at various times.

6742. Then I think you ought to keep an election office?—It is a very thankless office.

6743. Now just attend.—I hope the people will be disfranchised.

6744. Is your recollection sufficiently accurate to tell me whether or not, at this very election, you did not advise a gentleman to stand for the county, and tell him that you would adopt him and return him?—I think it very improbable; I have reason to think I do not think I ever used that expression to any person. It would be a foolish phrase, that I would adopt a man and return him; that has been imputed to me, but I never did it to anybody.

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6745. *Committee.*] Respecting this resolution which you say you signed, has any person ever drawn your attention before you came to London to the fact that a resolution was published in the newspapers different from that which was signed by you?—No; my attention, I think, was not called to any such discrepancy; I think not. In fact, I did not attach the least importance to it how it appeared afterwards.

Cross-examined by Mr. *M. Smith.*

6746. With reference to one or two of the last questions, your Grace was asked whether you applied to a gentleman to be a candidate; I presume that although you hold the office of Archbishop, you consider yourself to have a right to express your political opinions in the county of Mayo?—Certainly, I do consider that I have not only a right, but I conceive it a duty too, and I did express my opinions. I have not shrunk from their expression; I speak in public, and in secret I say nothing.

6747. And you have expressed your opinions of the merits of one candidate, and, as far as your view extends, of the demerits of another?—Yes; and if an election occurred to-morrow, I should think it a duty to repeat the same, because I look upon it as a question of morality as well as a question of not mere politics. I believe that the selecting of one of the persons to fill important offices is a moral question, involving serious responsibilities with regard to public weal. I know no persons who have more important duties to discharge than Members of Parliament, legislators. Upon the laws of the country depend very much its public weal, it morality; and on the tone of the Legislature, upon the principles of the persons who compose it, will depend very much whether the country is to be governed by wise and sage and beneficent laws, or whether it is to be afflicted with such a penal code as exists in Ireland.

6748. *Committee.*] But the clergy, in exercising their own opinions as to whom they should select, do you think they are right in using violent measures to carry their object into effect?—I think they would be quite wrong; and if you wish to have my opinions, if you will allow me to explain my own views, I have been supposed to have done so and so; I think it is due to myself and to my position, and the part that I took in the election, to read some portions of the instructions which I thought it my duty to give at the coming election.

6749. Mr. *M. Smith.*] Are you referring to the pastoral?—Yes.

6750. That is a pastoral that I propose to put in?—Shall I read it? Shall I be permitted to read a portion of the instructions which I gave?

6751. To-morrow morning.—Very well.

Veneris, 3° die Julii, 1857.

THE Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Archbishop *M'Hale* was again called in; and further Cross-examined by Mr. *M. Smith*, as follows:

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6752. By the *Committee.*] WHEN the Committee adjourned yesterday, you were about to refer to some extracts from a pastoral, in reply to some questions put to you by the Committee?—Yes.

6753. Mr. *Montague Smith.*] I believe your Grace published a pastoral to the clergy previous to the election?—I did.

6754. Will you be good enough to refer to such portions as you think proper?—I have made no selection; I shall commence, and anything which appears tedious I will omit.

6755. By the *Committee.*] All passages that bear essentially upon the question we shall be glad to hear.—"To the Catholic Clergy of the diocese of Tuam. St. Jarlath's, Tuam, Passion Sunday, 1857. Dear and venerable Brethren—Having on more than one occasion addressed you on the duties that are to be fulfilled, and the excesses that are to be avoided during the strife of contested elections, we feel it unnecessary to dwell long on instructions with which you have been familiarised by the frequent recurrence of scenes, by which the peace of society is shaken. We had often to raise our voice against the unholy and unconstitutional violence by which the freedom of voters is so often coerced, and the unscrupulous bribery by which their fidelity is so often seduced. Such, thank God, has been the influence of religion, that on one occasion a freeholder, struck with remorse, flung away, in the presence of his parish priest, the bribe which he had received for the sale of his country and his conscience at an election in Mayo, saved by a timely penitence from the fate by which such enormous guilt is often avenged. It is some 10 or 11 years ago, when we had to deplore 'that the sacred solemnity of Lent was broken in on by the angry tumult of a county election,' but never until now were we doomed to the painful anticipation of finding the hallowed repose of the great week of our redemption disturbed by scenes so unsuited to the meditations which that great mystery inspires. Then, no doubt, will many of the weaker children of the church be dragged by force to violate their consciences, without their pastor's voice to fortify their courage, as did the mother of the Maccabees sustain her faltering child in his conflict with an overpowering physical force; and many a voter too will be tempted to bribery similar to that of Judas, without the opportunity of being reminded of the coincidence of the holy week, which would probably induce him to turn with horror from its commission." "In their choice of candidates they will take especial care never to confide again in those, be they Catholic or Protestant, who have already deceived them. Let them then be not deceived by the selfish and corrupt sophistry of those who would tell them to prefer, under all circumstances, a man, because he may bear the name of a Catholic, although he may have tarnished our holy religion by a continuous and open infraction of public and solemn pledges, which would have dishonoured an honest pagan. The catholicity of such persons, far from establishing any claims to a preference, ought to insure their rejection. From no class of persons has our country and our religion suffered recently more injuries and indignities than from Catholic representatives whom the people sent to Parliament at immense sacrifices to protect their religion and their firesides; yet whose utter disregard of those solemn covenants has made them a byword of reproach to our country and our religion as far as the one and the other could

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suffer from the prevarications of degenerate Catholic Irishmen. But their prevarications cannot reflect on our holy religion only as far as we may adopt or approve of their misdeeds; and as numbers of the hierarchy of every grade, even of the highest in the Irish Church, committed themselves to the recommendation of those men, and to the approval and adoption of a certain line of Parliamentary conduct, to a degree to which we do not recollect in the course of a long experience, the ecclesiastics of Ireland to have so publicly and prominently committed themselves before, we could not be released from a constructive share in their falsehood and treachery if we did not take this seasonable opportunity of reprehending delinquency so injurious to the most sacred interests, and warning our flocks not to trust again those who have so unscrupulously betrayed them. The people, notwithstanding all their noble exertions for their religion, are still without any shield, liable to be cast out from their homes, and to perish on the public roads; and surely, if a benevolent person of a different religion should stretch out his hand for their protection and labour to secure for them a home and a fireside, and the full enjoyment of their religious freedom, dearer to them than any earthly blessing, they will not repudiate the services of such a man for those, be they Catholic or Protestant, whose entire public career has been a continual breach of their pledges, or who are well known to seek a place in Parliament solely for their own private views, to the utter neglect of the interests of the people. Among those who are loudest in their exclusive preference of Catholic candidates, though notorious pledge breakers, and in the expresion of their surprise that any other honest and unexceptionable man of a different faith should be thought of, are some Catholic proprietors, who were generally in favour of Protestant candidates before some of the Catholic representatives were found to have preferred the patronage of the minister to their pledges to the people. None can rejoice at their zeal for their religion more than we, and we trust, as an opportunity will soon offer, they will illustrate their zeal for their religion by the performance of the good works, not only of mercy, but of justice, which it enjoins. They are well aware that the vote of their tenants at an election is a sacred trust which should be left to the exercise of their own consciences. To the rents they have a fair claim; and during the brief interval of a respite from their destitution which the tenantry now enjoy, they have proved, by their punctuality in the payment of rents, by no means too moderate, that no people are more alive to the justice which is due to their landlords. There, then, their claims, as far as right, or a coercive enforcement of a fancied right is concerned, should cease. Let friendship, persuasion, an interchange of kindness, as far as they do not interfere with the higher and holier rights of conscience, have their legitimate sway. But there should be no persecution. It grew out of an anomalous and disordered state of society; the conscientious freeholders were its first victims; and as cruelty always recoils on its agents, those who crossed the freedom of their tenants, did not escape the retribution of the famine. But the noble peasantry of Ireland should not be sacrificed continually to worthless pledge-breakers, and it is to be hoped that, as Protestant landlords have, from a sense of humanity or wise policy, relaxed in the unholy persecution of their tenants for their votes, the Catholic gentry will not take up the expiring remnant of persecution, which they were in the habit of condemning when practised by Protestant proprietors. You will tell those Catholic landlords, as your parishioners, and members of your flocks, that to persecute their humble tenants, 'the domestics of the faith,' for the votes given in favour of men pledged to protect them and faithful to their pledges, is a sin against Heaven, aggravated too by deep ingratitude. It was the fidelity and devotedness of the humble Catholic freeholders of Ireland that procured for the more favoured members of their own creed the opportunity of their going into Parliament to dispose of their votes for patronage, and others to share largely in this corrupt patronage that is the fruit of the bargain. If the higher Catholics have been freed from their prison, they should not forget their humble brethren, who, like another Joseph, are there still, and doomed to all the harsh treatment inflicted on Catholics by the rancorous spirit of the penal laws. Let them do unto others as they should be done by. Let them recollect that they too but very recently were strangers in Egypt, and ask themselves what would be their just feelings if placed among those whose humble lot forbids the hope of any Parliamentary patronage; they should only have to dwell on the bitter reflection that they and their children, and perhaps their

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their children's children, were doomed, not only to toil, at which they are too christain to repine, but to toil without the prospect of remuneration or security, continually haunted with the fears of being banished with their families from their homes, unless their conscientious votes, the free and inalienable inheritance which, with their religion, they have from Heaven, be converted into a vile marketable thing for the Catholic landlord, or his sons, or his relatives, to traffic on, instead of being, as it is meant, a shield and a protection to avert persecution, and a legitimate weapon to recover all the advantages of which our people and our religion continue to be yet deprived. Whatever may be the issue of these angry elections, you will not forget to deport yourselves with the wisdom becoming your holy station; to inculcate among the people, often goaded to excitement, the quiet forbearance becoming men engaged in a noble and victorious contest; and to breathe forth from the sanctuary the calm and holy spirit of peace over the troubled waters. We trust that amidst the most stormy scenes the electors will not fail to remember, that whilst they are struggling for the assertion of their rights, their clergy are engaged in stretching out their hands in prayer for the success of religion and social order, and imploring the Almighty that riot and intoxication and bribery should not bring down His wrath upon the land; and that hatreds, or violence, or enmities should not embitter those contests that have been so unseasonably cast into that great work of peace, and mercy that commemorates the reconciliation of earth with offended Heaven. We remain, dear and venerable brethren, your faithful servant, John Archbishop of Tuam."

6756. In what paper did that appear?—It appeared in the "Freeman's Journal."

6757. Is that the document which you mentioned yesterday, which had appeared in a paper without your knowledge and consent?—Oh, no; this appeared with my full knowledge and consent.

6758. Did it come to your knowledge at any time that any of your clergy or the body of the clergy of your diocese had not acted up to the advice given in that pastoral?—I have had no complaint whatever of their having transgressed; none.

6759. Mr. *Montague Smith.*] Was that pastoral sent to the clergy of your diocese?—It was.

6760. Your Grace stated yesterday that at an interview with some of your clergy you came to a resolution to support Mr. Moore, as a faithful representative; that was so?—Yes.

6761. Did you also express your opinion that Colonel Higgins was not a representative to be supported, on the ground that he had broken his pledges?—Oh, I never disguised my opinions upon that point; at the same time I never mentioned his name from the altar, nor even is his name mentioned there.

6762. Whether you were right or wrong, did you entertain the opinion and belief that he had broken the pledges he had made to the electors?—That was my full conviction, and it is my conviction now.

6763. At the election in 1852 had you supported Colonel Higgins?—I had, I am sorry to say.

6764. I believe your Grace upon that occasion voted for Colonel Higgins and Mr. Moore?—I voted for Colonel Higgins and Mr. Moore, which I regret as to a portion of it.

6765. Did the professions which Colonel Higgins made at that time agree with the political opinions which you entertained?—The professions which he made at that time?

6766. Yes.—I think they did.

6767. Were these some of them: "Impressed with the importance of co-operation, and the value of union, I was an early promoter of the formation of an Irish party in the House of Commons. It required but a short experience to demonstrate the wisdom of such a combination. In the present balanced state of political interests, a united band of honest Irish representatives may dictate conditions alike to Whig and Tory, and achieve incalculable advantages for our country." Were those the professions which Colonel Higgins made in 1852, that he would be one of an independent Irish party?—They were, and in 1851, I think; also previously at the Rotunda in Dublin. There was a meeting at which there were a great number of ecclesiastics; there were three archbishops, and, I think, three or four bishops, and a great number of the clergy, and it was

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deemed wise to adopt a Parliamentary policy. It was expressed either at that meeting, or a previous one, that we deemed a Parliamentary party the best means, under Heaven, to secure the rights of the Catholics of Ireland, the rescinding of those obnoxious laws; there was the question particularly of having the "Ecclesiastical Titles Act" repealed, and also obtaining just measures of tenant right for the poor people.

6768. Had Colonel Higgins in 1852 professed himself a supporter of those measures, the repeal of the Ecclesiastical Titles Act, and also a supporter of the "Tenant Right" Bill?—That was a matter so well understood, that he would not have been supported in Mayo had he not been believed to be a supporter of those measures.

6769. Do you recollect this in his address: "Foremost amongst these must be the repeal of the insulting and oppressive Ecclesiastical Titles Act;" do you recollect that in his address?—I did not recollect it, but as you read it now, I think I do. However, I am under the impression that he was among a party who presented themselves to the constituency of Ireland upon those conditions, and if he were not, I do not think he would have been supported in Mayo. He might have had some solitary votes, but he would not have been supported by the great body of the electors.

6770. Right or wrong, was your Grace under the impression that he had forfeited those pledges?—Not the least doubt of it, because one of the conditions was, that those gentlemen returned, should never cease until they had obtained those measures upon which they insisted, and that they should not be the recipients of any private favour or patronage from any minister so long as that minister was hostile to those measures; now that he has obtained, or been the medium of obtaining a great deal of patronage, and that he has been opposed to tenant right, there is no doubt in my mind; because if he supports a minister who treats tenant right with derision, and who will not grant, who will not even——

6771. *Chairman.*] I am very desirous not to interrupt you, but I am afraid you are travelling a little out of the way in describing the conduct of the Government.—Far be it from me to arraign the conduct of the Government; but I question the ministerial policy; any measure of Government we treat always with respect when the laws are passed.

6772. Mr. *Montague Smith.*] Did your Grace understand that Colonel Higgins, having professed to form one of an independent Irish party, had become a supporter of the existing Government?—Yes; even that it is as well I should explain; let it be perfectly understood the light in which I understand that pledge of independent opposition; there is no person in the world would be more averse to any factious opposition to the existing Government than myself; it is not either to be understood that beneficent measures should be refused from any Government, whatever may be the colour of their policy; but that if those measures upon which the Catholics of Ireland fix their hopes and return their Members, were to be refused by any Minister, then, although they should be ready to vote with him for every good measure for the country, they would, in the turning balances of parties, withhold their support from that Minister until a Government might be established which would promise to realise those hopes. It is in that sense I understand it, and that only; it is not a factious opposition, and we should be opposed to factious opposition; but it is what occurs every day with Whigs and Tories, and other parties; and as it is a representative Government, it is the duty of those who go in, to endeavour to promote the interests of their constituents, at the same time that they aid in carrying out every measure of policy which is useful or necessary for the public weal.

6773. That being so, you came to that resolution, and, as I understand, your grace was desirous that the county should know what your opinions were as to representatives?—Oh, no doubt.

6774. Did you in any way sanction any violence upon the part of any persons within your diocese?—With regard to that, I should almost think it out of the question, after I had written that pastoral and issued it, and it was not a solitary one, there has scarcely an election occurred in the county of Mayo (and they remain still to speak for themselves), that I have not issued pastoral instructions to the clergy; so far from countenancing any violence, if any case of violence came before me on the part of the clergy, I should not fail to reprehend and to correct,

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correct, nay, to punish them according to the measure of their delinquency or their contumacy.

6775. I understand your Grace to decline here to say what your opinion would be upon any matter brought before you in your judicial character as the head of that church?—Why, that petition of Colonel Higgins is fraught with so many and such grave accusations, that if I hesitate to pronounce upon one or the other, it is from the conviction that I feel, from an intimate knowledge of the character of my clergy, that they would be incapable of such acts; if they were capable of such acts, when they came before me, I certainly should not fail to animadvert upon their conduct in every way in which I am authorised by the canons of the church; I do not believe those accusations which have been preferred against them, or rather I have reason to think that many of them are not true.

6776. Your Grace referred to a former pastoral; had you addressed a pastoral to your clergy upon the occasion of the election of 1852?—On the occasion of 1852 I do not recollect; but I mention there "10 or 11 years ago." There was an election, I think, in 1847, and there was another in 1835. I addressed two pastorals at length, in which I denounced very much ——

6777. Mr. *O'Malley.*] We must not have what you stated.

6778. Mr. *Montague Smith.*] You were asked whether other gentlemen who were candidates had called upon you to state their pretensions to represent the county, and to ask your support: can you tell me the names of any of the gentlemen who so called upon you?—A great many persons called upon me from time to time; do you mean the last election? I think Mr. Lambert called upon me.

6778*. The last election——

6779. By the *Committee.*] Are you speaking with reference to Mayo?—With reference to Mayo; and Sir Thomas Redington addressed a note to me with reference to Galway. I wrote to him that if he were to do me the honour of calling upon me upon any other subject, upon any question but electioneering business, I should be very happy to receive him; but if he were to come upon electioneering business, that I would decline it, and that I would give him every opposition in my power, because I thought his policy was not useful to the country, because I deemed his policy not serviceable to the country or to the Catholic religion.

6780. Was that Sir Thomas Redington?—That was Sir Thomas Redington.

6781. Had Sir Thomas Redington applied to you respecting his pretensions to represent Galway?—No; he mentioned in his note that he wished to see me; but he was canvassing in the town of Tuam, and of course it was not difficult to conjecture what was the object of the honour of his visit, not having had the honour of a visit for years before from him.

6782. By the *Committee.*] Does Sir Thomas Redington belong to Galway?—He does.

6783. Mr. *Montague Smith.*] Galway is in your diocese?—Yes; and that pastoral was addressed to the clergy of Galway, as well as to the clergy of Mayo; indeed to all the clergy of the diocese.

6784. It was suggested to you yesterday that your Grace had said you would pay, I think, the expenses of some candidate for Mayo, and return him?—Pay the expenses! I have no *saculus* near me.

6785. I thought from the side from which the suggestion came, that the suggestion was that you would adopt and return some gentleman at your own expense?—I am surprised that it was mentioned; but from the habits of my life, I could say, as I did upon that occasion, that I believe there was no such thing. I am convinced that I never, in the course of my life, said to any candidate that I would adopt him, or that I would secure his return; on the contrary, my answer to every candidate was, that I was indifferent to the personal pretensions of any. I have no anxiety for the success of any candidate, but as far as I believe that candidate capable of doing service to the country, and I always said to those, "If you succeed, succeed so as to secure the confidence and support of the electors, be they of Mayo or of Galway; you shall then have my support;" for all the influence I pretend to is not to put forward any candidate, but to endeavour to secure the success of a good candidate, and to have that proper feeling among the clergy and people over whom my influence would be used, in endeavouring to make the people and clergy faithful to their own mature resolves, and not to be split in different parties; that is all the influence I have exercised.

6786. I think your Grace said that it was your intention to have proposed or

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seconded Mr. Moore at the election, supposing you had found you had been on the register?—Oh, yes, because I proposed him before. I had proposed him in 1852, and I had no reason not to propose him on the last occasion, because he had not forfeited our confidence.

6787. I presume your Grace is of opinion that your position in the church does not prevent you from exercising your rights as a citizen of this country?—St. Paul was an apostle, but that did not prevent him from exercising his right as a Roman citizen; he appealed to Cæsar. I am subject to all the laws of the realm. I am amenable for my conduct, and as we bear our share of the burdens of society, it is but fair that we should participate in its benefits. There is no law of the church or constitution of the State that deprives me of my rights as a citizen; while I have a vote, of course I shall exercise my privilege in giving one; and if I have one, I shall either propose or not, according to my discretion. There have been some elections at which I did not assist, although I had a vote, because it was a matter of indifference to me who would be in, thinking them all equally worthy, or equally worthless.

6788. You have been upon the register, I think?—Yes, I have.

6789. And your Grace has voted for the county?—I voted for those two gentlemen in 1852.

6790. I suppose it was by some accident that you were not on the register on this occasion?—I really am not aware; I do not know.

6791. There was a certain placard produced, which professes to give a resolution, with a heading to it, which forms no part, of course, of the resolution?—Will you be good enough to show it to me?

6792. Does your Grace recollect seeing that placard at any time during the election or before it (*handing to the Witness the placard delivered in on a former day, headed "Men of Mayo"*)?—The entire of that would appear to be signed by the bishops; if so, it would be an unpardonable forgery; we never signed such a document.

6793. My question is, whether you had seen this placard at the time of the election?—I do not think I did; it would appear from the artful position of the names at the bottom, that the four bishops had signed the entire of that electioneering placard, than which nothing can be more untrue. The only document that I can mention to be a genuine one in its integrity, the only document which we signed, is the last one, and that is very artfully appended to all that inflammatory portion of that document. I am so particular with reference to the clergy about denunciations, that even in documents I do not like to name persons; and in the entire of that pastoral the name of Mr. Ousley Higgins is not introduced; and it is not likely that we did, and not only not likely, but also my firm conviction, that we did not introduce the name of Mr. Ousley Higgins into the resolution.

6794. At the same time I believe your Grace is perfectly satisfied that with the upper part of the placard neither your Grace nor your colleagues had any thing to do?—We had no more to do with it than the Chairman of this Committee, and I am sure that is little enough.

6795. It was stated that at Castlebar you had had a conversation with Mr. Brown, a clergyman?—Yes.

6796. And you were asked whether you had said to him that you respected an open enemy, and despised a secret foe?—Yes; I said I did not recollect the words; but I did not think those were the words I mentioned.

6797. At that time was Mr. Brown professing to support Mr. Moore or not, do you recollect?—So I understood.

6798. Had you also the impression, that although professing to support Mr. Moore, he was assisting the other candidate, Colonel Higgins?—That impression was upon my mind even in what I mentioned yesterday.

6799. It was, I presume, with reference to that impression that your Grace made that observation; you did not adopt the words, but something, I believe, did pass between you?—It appeared to me that the resolution to which I referred yesterday was not in harmony with his professions of exclusive support of Mr. Moore.

6800. Your Grace, I think, has stated that you were not on the hustings at all on the day of nomination?—Oh, I was not on the hustings.

6801. Or

6801. Or within the Court House?—No, I was not within the Court House.

6802. But you have also stated that if you had found you were entitled to propose or second Mr. Moore, you would have gone on the hustings, and have done so?—I certainly would.

Re-examined by Mr. *O'Malley.*

6803. From whom did you receive this paper which you produced, referring to the print of the pastoral previously read?—It came to me from Dublin.

6804. From whom did you receive it?—I think I got it direct from Dublin, from the editor of the "Freeman's Journal."

6805. Did you get it cut up in this way?—Oh, no; I myself cut it.

6806. You cut it up?—I did.

6807. Where is the paper from which it was cut?—I dare say it is in Tuam, because I cut it out of the newspaper.

6808. Did you cut it out in Tuam, or in London?—At Tuam.

6809. You cut it out at Tuam?—I cut it out at Tuam, and brought that slip with me.

6910. Was that in order to make it lighter to carry?—To put in my portfolio.

6911. Will you undertake to say that in that very paper the resolutions were not printed, about which you were asked yesterday?—I do not know.

6912. Will you undertake to say that you did not read them in that very paper in which this was printed?—What resolutions?

6913. The resolutions about which you were asked yesterday, "At a meeting of the bishops, and several of the clergy connected with Mayo, held in Tuam, it was resolved, that all the energies of the people should be directed to the rejection of Mr. Ousley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful and uncompromising supporter in Parliament."—Well, if that resolution be found in the paper, which I do not recollect, then it is a very clear thing that I cut it out for the purpose of having the pastoral.

6914. Was not it in the paper, and did you not see it in the very paper in which this was?—I do not think I did.

6915. You do not think you did?—I do not think I did.

6916. Will you undertake to say that you did not?—I say that.

6917. Will you undertake to say that you did not see it in that very paper?—It is not for the future that I speak; but I do undertake to say so.

6918. You undertake to say that you did not see it in that very paper?—I do not recollect it.

6919. Will you go further, and say you did not see it in that paper?—Well, I really do not know whether I did or not, because I paid no attention in the world to the paper, except so far as it was necessary for me to bring the pastoral.

6920. It was for lightness sake you cut this out of the paper?—Certainly.

6921. With your own hand?—Indeed I think I did so.

6922. Did you cut out the remainder of those proceedings here?—Well, "Mayo Election, the nomination, Castlebar;" I cut it very close.

6923. You cut that out?—I paid very little attention to the subsequent part.

6924. Did that pastoral appear in the local papers?—It did afterwards, subsequently to that date.

6925. How soon after?—I think it appeared on the 5th of April; that was on Palm Sunday; probably in the next edition of the local papers.

6926. Just tell me, do you not trouble yourself to see the local papers, to see your pastorals?—Very little indeed.

6927. You gave no directions for its printing in any of the local papers?—Not the least.

6928. And you did not look to see whether it was there or not?—Well, I did not.

6929. Do you mean to say now that you do not know whether it was in the local papers or not?—I said I believed it was.

6830. What paper?—I believe in the "Tuam Herald;" but not for a week after.

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6831. Then this pastoral came out in the local papers a week after the election was over?—But it was addressed to the clergy; it is not through the newspapers that I address my pastorals; I have mentioned already that it is not through the local papers I address my pastorals; but I get them printed, and directed to the clergy; and on this occasion I wrote to the editor of the "Freeman's Journal" to print so many copies, not at all in his newspaper, and he wrote me a letter, which I have of course in Tuam, saying that the time was so short, that he could not have issued the pastoral in the form in which I wished it; but he would put it into the newspaper, and then send a newspaper, containing the pastoral, to each of the clergy; I never publish a pastoral in the newspaper.

6832. But, however, it appeared in the local papers a week after the election was over?—I have mentioned to you already I do not even publish papers in the "Herald," but I sent the pastorals to the "Herald" office to be printed for me, and then the proprietor volunteers to put them into his own paper.

6833. Did you write private letters to your clergy on that occasion?—Very few, I think.

6834. By the *Committee.*] Then your Grace thinks that the clergy had the pastoral before the election?—Oh, yes, all the clergy had the pastoral before the election, or might have had.

6835. Mr. *O'Malley.*] Might have had it?—Yes, of course, supposing it came by post; I believe they had; I believe all the clergy of the diocese had it before the election.

6836. I see this is the third edition of the "Freeman's Journal;" this would come out late on the Saturday night?—Yes, but late as it was, it reached the different parishes on Sunday, I believe, or Monday.

6837. Do not the third editions of the paper come out long after post hours?—I know I got it the following day, and many others, and I am sure most of the clergy, almost all the clergy got it; several of them told me they had it on Sunday.

6838. Tell me one in Mayo that told you he had it on Sunday?—A good many.

6839. Tell me one in Mayo who told you he had it on Sunday; one Mayo clergyman?—A great many received it.

6840. Then tell me one who told you he had received it?—I do not say in Mayo; some of the clergy had; but of this I am convinced, that I had it on Sunday.

6841. I was asking you whether you wrote private letters to them all on that occasion?—I did not.

6842. To any of them?—I did not; to them all, you say.

6843. To any of them, on the subject of the election?—Very few.

6844. How many; I do not ask the accurate number, but as near as you can say?—I think three or four out of such a number of clergymen.

6845. Did you write to the Rev. Mr. Waldron?—I did.

6846. To the Rev. Mr. Moogan?—I do not know that I did.

6847. Will you say you did not?—No; but there was no necessity. I saw Mr. Moogan on my return from Castlebar.

6848. Did you write to him?—I do not think I did.

6849. You do not think you did?—I do not think I did, indeed, because there was no necessity for writing to Mr. Moogan; but I wrote to Mr. Waldron.

6850. By the *Committee.*] Could not the pastoral have been printed in Tuam without sending it to Dublin to be printed?—It could not at the time, because although dated on Passion Sunday, it was not all written upon that day; I commenced it on that day.

6851. Mr. *O'Malley.*] When was it written?—It was sent, I think, on Friday.

6852. What day of the month was Friday?—I think it was the 3d of April.

6853. What was to prevent it being printed on Thursday in Tuam?—Because it was not finished. I was occupied on Thursday in Tuam at a conference of the clergy.

6854. When was it finished; you say on Friday?—Yes.

6855. Could

6855. Could not it have been printed on Friday in Tuam?—Not so conveniently as in Dublin.

6856. Why not?—Because they have not a command of hands and machinery.

6857. How many newspapers do they publish there?—I do not know, indeed.

6858. How many papers are published in Tuam?—Do you mean how many copies of the same paper.

6859. No; how many papers: is not there a printing office there?—Yes, the "Tuam Herald."

6860. Do you mean to say that you sent it to the "Freeman's Journal," in Dublin, because it could not be printed in Tuam?—I mean to say so, because on the 3d of April, on Friday, I was in Castlebar; you will recollect that was the day of nomination, and I had a portion of the pastoral written. I was so occupied on Thursday, that I could not finish it; and I brought it with me to Castlebar, and finished it there, and then sent it to Dublin.

6861. Are there no printing-offices in Castlebar?—There are.

6862. Could you not have got it printed at the "Mayo Telegraph" office?—No; I am not in the habit of dealing with those people.

6863. There was nothing to prevent it?—Yes, there was.

6864. Why could not it be printed there?—It would not have been so well done, or so expeditiously done.

6865. Then you think that a document intended for the clergy of Mayo and Galway, but particularly of Mayo, would not have been so expeditiously printed in Castlebar as by sending it to Dublin?—It would not have reached the clergy so well.

6866. It would not have answered the purpose?—It would not have answered the purpose.

6867. By the *Committee.*] Did you not say that you wished it to be printed in a particular form, and that the proprietor of the "Freeman's Journal" said it could not be done within a certain time in that form?—Yes.

6868. Was there anything in the form in which you wished it to be printed that would have made it more than usually inconvenient to print?—It would have been more convenient to me, and more analogous to my habits in issuing pastorals, to have had it published by itself, and to have reached the clergy in that way; but he could not have done so, and he told me he could not.

6869. It would have been inconvenient to the printer to have printed it in the form in which you desired him?—He said he could not have it done, and despatched to the clergy in time, because it did not reach him till Saturday. He published on Saturday night and he said he could not publish it on Saturday in that form, and then his putting it into the paper was a matter of his own choice.

6870. Was that the Saturday previous to the first day of polling on Monday?—The Saturday previous to the election.

6871. Mr. *O'Malley.*] About this private letter to Mr. Waldron; you told us it was not needful to write to Mr. Moogan; that was a private letter upon the subject of the election?—Yes.

6872. Was not that letter inconsistent with your pastoral?——

Mr. *Karslake* objected to the question; if the contents of the letter were referred to, it must be produced.

6873. You say you are not in the habit of naming individuals?—Not in the habit certainly.

6874. Not in the habit in these public documents of yours of naming individuals; you think it more convenient to point at them; is that so; do you mean to say there was a single person, that you supposed there was a single person in the county of Mayo that did not know you were pointing at Colonel Higgins by that pastoral?—I had not the least objection that they should.

6875. You had not the least objection; why not; why not name?—I have an objection to name; it would not be very convenient if you were reprehending the guilty; and it would not be becoming, or perhaps prudent, sometimes, although everybody knows to whom you refer. I think if there is a person not deserving public confidence, it is only for himself then and for the people to know. I designate the character, and they will know whether the delineation suits him.

6876. You say that Colonel Higgins was a pledge-breaker; that is what I understand you; that he broke his pledges?—I believe so.

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6877. You rather said that he "broke the conditions upon which we had returned him;" those were your words?—I believe so; that is my impression, and it is the impression of almost all.

6878. Will you tell me what vote it was you objected to; of almost all what? you say "the impression of almost all"?—Almost all those persons who are opposed to him; do you ask what vote I objected to?

6879. Yes.—It is very hard to point out one vote in particular.

6880. I should like to know one?—The whole series of his Parliamentary career.

6881. I want to know what vote?—I say the whole series of his Parliamentary career.

6882. Can you tell me one vote or not to which you object?—Almost all his votes.

6883. Tell me one; it is the easier to tell me one in that case?—No, it is not the easier to tell you, because I attach very little importance to an individual vote; a person can vote for a measure for the support of which he is returned to Parliament, and at the same time be as opposed to the realisation of that measure as if he voted the contrary, and that is the reason I care very little about one vote. Suppose he voted continually for the tenant-right when brought forward, his voting for the tenant-right when there was a preponderating weight in the opposite scale was just the same as if he did not vote at all.

6884. Voting for tenant right?—Just so, when he was sure that the Ministerial weight was in the opposite scale; I say it was the same as not voting at all.

6885. Then was it for voting for tenant-right that you quarrelled with him; was it for supporting tenant-right that you quarrelled with him?—No, but for not supporting tenant-right.

6886. Did he vote for tenant-right?—Yes, but he did not support it.

6887. What do you mean?—I will tell you what I mean. I heard of a gentleman formerly, at the time of the Emancipation question; he was obliged to promise his constituents that he would always vote for Emancipation, otherwise he would not have been returned; and so he might, because there were so many persons opposed to Emancipation, that he could always vote for Emancipation, and do very little at the same time to obtain it. That gentleman might have voted for the Minister who was opposed to Emancipation, as he usually did. I say, then, that his vote for Emancipation, like Colonel Higgins's vote for tenant-right, was a mere mockery, and a delusion, and a snare; nothing else but a mockery; and the votes of all such persons who come from Ireland promising they will vote for tenant-right, and will vote for the rescinding of the Ecclesiastical Titles Bill, at the same time that they support the Minister (I do not mean to speak of the Government who is opposed to that), I say are only deluding the people.

6888. Was that a pledge that he had broken that he voted in support of tenant right?—That he broke his pledges; that, in defiance of the pledges which he and more of his party had given that they would not support any Ministry that would not support those measures, he was found uniformly supporting the Ministry, and preferring the private interests of individuals, Catholics and Protestants, who were opposed to his first election, preferring their interest to the interests of the great body of the people by whose suffrages he was first returned.

6889. Now, I ask you when and where he ever made such a pledge?—It is my belief that he did, and the impression is confirmed by the extract read by the gentleman just now from his address. I really cannot lay my finger upon this pledge or that pledge, or this vote or that vote, but it is my firm conviction, and a conviction founded on his whole Parliamentary career, that he has forgotten the interests of the people by whom he was returned, and that he has had a large share of the patronage of the Treasury.

6890. Then I understand from you that you are convinced in your own mind that he broke pledges, though you cannot point out a pledge made, or a pledge broken, and that upon that ground you thought it necessary to hold him out as a pledge breaker to the electors of Mayo?—I am convinced of it, and not only that; it is not my solitary conviction; it is a conviction shared in by every person, I think, in Mayo who does not expect place or patronage; and I say it is my conviction.

6891. Do you suppose that the whole body of Roman-catholic gentry of Mayo voted for Colonel Higgins in the expectation of patronage or place?—It is my firm

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firm conviction that a good Catholic gentleman would scarcely support any Member of Parliament who is opposed, practically opposed, to getting tenant right for the freeholder, and practically opposed to rescinding the Ecclesiastical Titles Act, unless he expected place or patronage, and further, if he did not, I know of no reason in the world that would induce a Catholic proprietor to violate the freedom of the Gospel, and the freedom of the constitution, in coercing the tenantry, over whose votes he has no right whatever by the constitution; and it is very extraordinary that a good Catholic would on the eve of Sunday, either on Saturday or Friday, gather all his tenants; and take them to town, without the opportunity of hearing mass.

6892. But this you know nothing about personally?—I do know it.

6893. I must beg you to confine yourself to that which you know?—I know that.

6894. You stated an opinion; and I ask you to say, do you mean that the Catholic proprietors of Mayo voted for Colonel Higgins only under the expectation of patronage or place?—That is my firm belief, founded on facts and observations.

6895. Do you know that at that election Colonel Higgins had 800 plumpers?—So they say.

6896. Do you know that every Catholic proprietor but two in the county voted for him?—A great number did.

6897. Do not you know that?—Well.

6898. Do you mean to say now that all those gentlemen voted for him in the expectation of patronage or place?—No; if they merely voted, if they gave their own individual solitary votes, if any gentleman had done so, and he said to his tenants "You are free to vote as you like; I receive your rent; but I have no control over your consciences;" but when I find those persons violating the constitution, violating the laws of the church, and the laws of freedom, and insisting upon those persons voting with them, I am brought to the conclusion that nothing else but a sordid desire of patronage or pelf induced them to violate both the constitution and the laws of freedom and of religion.

6899. By the *Committee.*] Did it come to your knowledge that any of the clergy had acted in the way you have described that the Catholic gentlemen had acted; I mean coercing any of their flock?—My impression with regard to coercion by the Catholic clergy is this, that it is only to counteract, as far as it is exercised, the coercion of the proprietors of the gentry; and if the gentry were not to violate the laws of the country, and also the laws of religion, in forcing the consciences of the people, you never would hear of the interference of the clergy; and I will beg to refer to what occurred in my own time, at an election in Castlebar, I believe, about 10 or 11 years ago: I went to an election, to propose or to second one of the candidates; and there was a question of sacerdotal coercion; and I made a proposition there which I would now repeat, and beg to repeat at every future election, that a certain barrier be drawn round the hustings; that landlords, bailiffs, and priests, and bishops if you will, and police and all retire; name the candidates, and let them come up and vote for whom they like, and then it would be seen on whose side the coercion lay. That proposition was made by me at that election at Castlebar, and not adopted; and I ask the Committee whether that is not in accordance also with the constitution.

6900. Mr. *O'Malley.*] I understand you to say that those which you have just stated to us are the conditions on which the Catholic clergy are willing to leave the election free?—They would, indeed they would. I mention in that pastoral what occurred also in Castlebar; I will state it to show the usefulness of the clergy there. A person was going to vote; he looked at the clergyman; the clergyman made no sign; he did nothing that could draw down the reprehension of any officer; the moment he lifted his eyes, and saw the clergyman with the book in his hand; when he was asked if he took a bribe, he declared he had taken a bribe, and he threw it on the table; and he brought it over to me afterwards to the hotel where I stopped.

6901. I understand from you that the influence was so great, that even the look of the clergy persuaded the man to give up his bribe, and vote the other way?—To return the bribe.

6902. And vote the other way?—How he voted I do not know.

6903. Do you mean to say that you heard the story, or knew the fact, without hearing how he voted; do you mean to tell this Committee that you did not trouble

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trouble yourself to know how he voted?—If it was permitted him, I believe he voted the other way.

6904. Perhaps he voted for the priests' side?—Not for the priests' side.

6905. You do not mean to say that he voted for the side from which he had taken the bribe?—No; but he voted for the man to whom, in his conscience, he gave the preference, and whom he was induced to abandon for a sordid bribe.

6906. That was the side the priest was looking for?—It may be; but it was not the priests' side though.

6907. You have spoken largely in your pastoral, of which you have read so much, about the rights of conscience, as distinguished from the rights of rent?—Yes.

6908. Who has the keeping of the peasant's conscience?—Why, the ministers of religion, as far as he consults them, certainly.

6909. Then, I understand now, by the light of that answer, how we are to read the pastoral. The meaning of this pastoral, I understand to be, that the landlord is to take the rent, and leave the conscience of the voter to the priest?—Leave it between himself and his God; the landlord has no right to the peasant's vote.

6910. That is the light, I understand you boldly and openly to say, in which you have the right of influencing the conscience of the voters?—No; but the right of leaving the conscience of the voter free.

6911. Am I to understand you to mean, by "the right of leaving the conscience of the voter free," to leave him subject to the influence of the ecclesiastical ministers?—Subject to the influences of religion, of course; every form of religion.

6912. Of the ministers of religion?—They will share in it if the voters wish to consult them; they will not coerce any person, nor should they; they have no right; but if a person asks them, of course it is the free act of the voter's will.

6913. I understand you, at all events, to say boldly, that the influence which you have used, is an influence which you are prepared to use at all times?—Oh, decidedly, because I am not conscious that we have transgressed the laws of God, or of the constitution; I believe we have not, because I reprehend that, and I reprehend violence, and I reprehend fraud, and I reprehend intrigue even.

6914. Just before I leave this subject about Colonel Higgins, do you know Captain Bellew?—I do.

6915. The late Member for Galway?—Yes.

6916. Was not Captain Bellew's course in Parliament the same as Colonel Higgins's?—No.

6917. What was the difference; did not you denounce him; did not you proclaim and declare your opposition to him as coming forward for the county of Galway?—When?

6918. Before the last election,—My opposition to him?

6919. Yes; did not you yourself announce that you were opposed to his re-election for the county of Galway?—You will not find that.

6920. Will you say you did not?—No; I said, was ——

6921. Mr. *Karslake.*] Did you do what you did in writing?—I did.

6922. Mr. *O'Malley.*] Did you not tell him yourself, not in writing, but by word of mouth, that you would not support him?—When?

6923. Before the last election.—I said I would not support him then.

6924. That is, you would not support him at the coming election?—Yes.

6925. Why?—Because he did not give satisfaction to all his constituents.

6926. Do you mean to yourself?—Why, even to myself he did not give full satisfaction; but at the same time his course was very different from that of Colonel Higgins.

6927. Whether it was different or not, did you not tell him you would not support him, upon the ground that his Parliamentary conduct did not give satisfaction to his constituents and to you?—I mentioned that I would not support him so as to bring him forward; to propose him.

6928. Did you not say to him that his conduct did not give satisfaction to you?—That one of his votes did not give satisfaction to me, but not all his conduct.

6929. You

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6929. You said to you?—Yes.

6930. Did you afterwards change your opinion?—No, until he changed his opinion.

6931. He changed his opinion; he came in, and submitted to you; was that it?—He expressed his regret for some votes that he had given.

6932. He expressed his regret?—Yes.

6933. By the *Committee.*] Did your Grace intend to convey this impression, that you think the conscience of a man in civil matters ought to be in sacerdotal keeping?—No, I did not, not at all; by no means.

6934. I rather drew that inference?—No, not in his keeping; but if he chooses to consult the clergyman, and the clergyman to give him his advice, of course then the result would be the free act of the person who consults the clergyman.

6935. But your Grace did not mean that the clergyman had a prior right?—By no means; nothing was further from me than that.

6936. Mr. *O'Malley.*] Do you mean to assert now, that you think the Roman-catholic peasantry ought not to be guided by the priests in the votes which they give at an election?—I give as my opinion that the Roman-catholic peasantry ought to be guided by their own free will, and their conscience.

6937. Please to answer my question. Do you mean now to say that you believe the Roman-catholic peasantry ought not to be guided by the priests in the votes which they give at an election?—Your question is of a very captious nature.

6938. I wish to have a precise answer?—Then I wish to disengage it from that character.

6939. Unfortunately for you, you must answer it?—Of course I will answer it if you wish; but I will answer it by distinguishing.

6940. Do you mean to say that you are of opinion, or that it is not your principle, that the Roman-catholic peasantry should be guided by the priests in the exercise of their elective franchise?—It is my principle that the Roman-catholic peasantry, like the Protestant peasantry, or any other, are to follow the dictates of their own conscience.

6941. Be pleased to answer my question. Do you think the peasant ought to be guided by the priest in the exercise of his franchise?—If he is in doubt what to do, I think then that he cannot, in case of doubt, get better advice than his clergyman's.

6942. Do you think the Irish Roman-catholic peasantry ought to be guided by the priest in the exercise of their franchise?—No; unless in case of doubt.

6943. That, unless in case of doubt, he ought not?—He is to follow his will.

6944. You have given us, by a sort of legerdemain, the influence by which his conscience is to be guided?—It is no legerdemain; I must repel that insinuation. I dare say there is more casuistry upon your part than there is upon mine.

The *Chairman* stated, that the answer to the learned counsel's question was sufficiently intelligible to the Committee; but, of course, if Mr. O'Malley was not satisfied, he could pursue it.

6945. By the *Committee.*] I think you have already said, that you object to the same man, in case of doubt, appealing to his landlord; I think you said he had no right whatever to appeal to his landlord?—No, I did not say that; but I think he could not consult a worse casuist, in case of doubt, than his landlord.

6946. Mr. *O'Malley.*] As to the word "casuist," I think we may disagree with you?—"Casuist," I think, is a very fair word.

6947. Will you describe to us by what process of reasoning you suppose the Roman-catholic peasantry arrived at the conclusion, and declared their adhesion to Captain Palmer, and that he was supported by them?—I will tell you by what process of reasoning, by what they feel very sensibly, and, we apprehend, more clearly than any religious or political casuistry, namely, their own interests, the quiet enjoyment of their firesides, or the apprehension of being driven from their firesides, and there are instances where they are told they will be driven, having no lease, from their dwellings, unless they vote with the landlord. In that case terror comes in, and self-interest comes in, and there is where I think the prudence and humanity of the good intelligent clergyman might be exercised. I say there is a certain means of protection to the peasantry of Ireland—give them tenant right; there happens to be a landlord who will exercise not his right, but

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but his wrong, and inexorably turn him adrift upon the world, unless he vote. The clergyman, though he may advocate the general principle of supporting the person who will go into Parliament to throw the shield over the peasantry, may see that this person will suffer for not voting so; and I think he would be a very imprudent clergyman who would ask the poor man, the solitary individual to vote in that case against the landlord, with the certain prospect of being turned adrift upon the world, and sent to America perhaps; then it is a matter of self-preservation.

6948. I understand you, that when the priests asked them to vote for Captain Palmer, you thought they were very willing to do it?—I think his own tenants were very happy to do it indeed, for they suffered; many of those catholic tenants suffered very much before they were driven from their homes, and sent to America.

6949. You do not pretend that Captain Palmer declared his adhesion to the doctrine of tenant-right?—I do not indeed; I have made no such assertion.

6950. You have talked of civil rights and of ecclesiastical rights; as I understand, you have no civil rights in the county of Mayo?—We are not outside the pale of the constitution.

6951. But you are not resident in the county of Mayo?—No.

6952. Have you a vote for the county of Mayo?—It seems not.

6953. About civil rights; you stand a little aloof, keep yourself aloof from contact with civil rights and responsibilities, do not you?—As far as I think it right; I take a share in civil business as far as I need.

6954. About the income-tax: you protest against that as being a civil burthen, do not you?—Oh, yes; but I paid it.

6955. You paid it under coercion?—Decidedly; I never would pay a farthing of it if I could help it; and I dare say that you have a fellow-feeling with me in that respect yourself.

6956. We all sympathise with you?—I am sure you do; I am sure I have many sympathisers here.

6957. I believe the same happened about the poor-rate, did not it?—What happened?

6958. You protested against the payment of the poor-rates, did not you?—To be sure I did; but I was obliged to pay them.

6959. That was all; I merely wanted to know what you did?—Yes; and I did it on the ground that I thought it a very unfair burthen to put upon the people, or upon the clergy, because a great deal of the revenues of the Established Church would have supported the people; it was on that ground I put it.

6960. By the *Committee.*] You have mentioned that you issued some pastorals upon former occasions?—I did.

6961. Recommending your clergy to abstain from all violence, and so on?—Yes I did, and abstaining from bribery.

6962. Has it ever happened that you have dismissed or suspended any of your priests for using coercion and for misconduct at elections?—No complaint has been made to me; but I can assure you that if half what is alleged there were brought home to any clergyman, I would not fail, as I mentioned just now, to use all the authority with which I am invested in bringing him to a sense of his duty, and saving society and saving the church from any such scandal; I am quite opposed to violence.

The Witness withdrew.

Sabbati, 4° die Julii, 1857.

The Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

4 July 1857.

Mr. *Montague Smith* was heard to open the case on behalf of the Sitting Member.

Lunæ, 6° die Julii, 1857.

The Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Colonel *Charles Knox* was called in; and, having been sworn, was Examined by Mr. *Karslake*, as follows:

Colonel *C. Knox.*

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6963. I BELIEVE you live at Carrowmore, near Ballinrobe?—Yes.
6964. Is that close by the town of Ballinrobe?—Yes.
6965. Does your father live there also?—No.
6966. Where does he live?—At Kingstown.
6967. By the *Committee.*] In the same county?—No, in the county of Dublin.
6968. Mr. *Karslake.*] You reside at Ballinrobe?—Yes.
6969. Is your father the owner of very considerable property in and about the town of Ballinrobe?—Yes.
6970. I believe in fact the whole town of Ballinrobe belongs to him?—Yes.
6971. Did you take an active part in the last election for the county of Mayo?—Yes.
6972. I believe you were chiefly active on behalf of Captain Palmer?—Altogether on behalf of Captain Palmer.
6973. Were you at Ballinrobe before and at the time of the election?—Yes.
6974. We understand that before the Saturday the troops had been sent to Ballinrobe?—Yes.
6975. Have you taken part in many elections for the county of Mayo?—One or two elections previous.
6976. Was it the practice at those elections to send troops before the election took place?—Yes.
6977. Up to the Saturday and up to the Sunday was the town of Ballinrobe perfectly quiet?—Yes, as far as I heard.
6978. And as far as you observed?—Yes.
6979. I believe you were not in the town on the Sunday?—I was not in the town; I do not recollect being in the town.
6980. Were you at home on the Sunday?—Oh, yes; I believe I went to church; I went through the town.
6981. You say you went through the town?—Yes.
6982. For the purpose of going to church?—Yes.

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6983. On the Sunday?—Yes.

6984. Was it in the morning or the afternoon?—In the morning.

6985. By the *Committee.*] Is the church out of the town, or at the extreme end of the town?—In the middle of the town.

6986. Mr. *Karslake.*] In what state was the town when you went to and returned from church?—It appeared to be perfectly quiet. I beg your pardon, I must correct my answer; I was not in church on the Sunday.

6987. You were not at home on the Sunday, I believe, were you?—No.

6988. Did you return on the Sunday night, or on the Monday morning?—On the Sunday night.

6989. On the Monday morning did you go to the booths?—Yes.

6990. At what time were you in the town of Ballinrobe first on the Monday morning?—Soon after eight o'clock.

6991. By the *Committee.*] Does the polling commence at eight o'clock or at nine?—At eight I think it began.

6992. Mr. *Karslake.*] You were there soon after eight o'clock?—I was there when the polling began.

6993. In what booth were you?—In the Kilmane booth.

6994. That was the booth over which Mr. Sharkie presided?—Yes.

6995. How long were you at the Kilmane booth on that day?—About two or three hours.

6996. Were you all that time in the booth?—Yes; I was somewhere between two and three hours.

6997. During all that time did the voting go on quietly in the booth?—During most of the time I was there it went on quietly.

6998. By the *Committee.*] Was this staying in the booth continuous, or was it two or three hours in the course of the day?—Almost continuous; indeed I would say during the whole time it went on quietly.

6999. Mr. *Karslake.*] Did you see priests in the booth at the time you were there?—Yes.

7000. During the time you were there on the Monday, did you see anything irregular or improper in the conduct of the priests?—No, I cannot say that I did.

7001. Did you observe any coercion used by any priests towards the voters in the booth?—No.

7002. You yourself are a Protestant, I believe?—Yes.

7003. You say you were in the booth for three hours in the day; were you at other times in the town of Ballinrobe during that day?—Yes.

7004. Until what time in the evening?—I think I was there until about three o'clock, between two and three o'clock; three or four o'clock.

7005. What was the state of the town during the time that the polling was going on, as far as your observation went?—There was a good deal of noise; there was shooting, and shouting, and cheering.

7006. Was there any violence committed within your observation?—Not any that I saw.

7007. You have been present at other elections, have you not?—Yes.

7008. By the *Committee.*] Are you a magistrate?—Yes; but I had not a deputation there, I had no power to act.

7009. Had you no power to act at all as a magistrate; although you had no deputation, your powers did not cease, did they, during the time of the election?—Yes, I believe so.

7010. I thought that a deputation was merely for the purpose of accompanying the voters, in fact to take charge of the military and voters, that is what I understood to be a deputation; but not that the powers of the magistrate ceased during the election?—We understood so.

7011. Mr. *Karslake.*] You say you were in the town during the day, and saw the state of the town; had you been in Ballinrobe taking an active part in former elections?—Yes.

7012. I believe at the 1852 election you were a deputed magistrate?—Yes.

7013. Was

7013. Was there at this election anything at all unusual in the state of the town ?—Not that I saw.

7014. I believe at elections there is always more or less excitement, probably more in Ireland than in England ?—I fancy so ; I have never been at an election in England, therefore I cannot say, but there is generally a good deal of excitement in Ireland.

7015. Monday was the market-day at Ballinrobe, I believe ?—Yes.

7016. Did that increase the concourse of people who were there ?—Yes.

7017. On the Monday, do you remember when you were in company with Mr. Jeffery Brown, seeing the dragoons clearing the streets ?—Yes.

7018. Under whose charge were they ?—I think they were under the charge of Mr. Shiel, the stipendiary magistrate.

7019. Did the act of the dragoons in clearing the streets attract your attention ?—Yes.

7020. Had you been in the streets before ?—Yes; I was walking up the street when I saw them coming down.

7021. Had you seen any reason or cause for so acting ?—No.

7022. Did Mr. Brown speak to Mr. Shiel or to the magistrate in charge of the troops ?—Yes.

7023. I believe you did not hear what was said ?—No, I did not.

7324. As far as your observation went, at the time the dragoons were clearing the streets were the people in the streets committing any outrage whatever ?—None whatever, that I saw.

7025. About what time in the day was that ?—I think that it was about one or two o'clock.

7026. By the *Committee.*] Were you in a position there in which you could see the whole of the transaction ?—I was walking in the middle of the street.

7027. But could there have been rioting at the other end which you did not see, which caused the magistrate to interfere with the military ?—There might have been before I came up.

7028. Mr. *Karslake.*] It is a long straight street ?—Yes, it is ; they were about the middle of the street when I came up.

7029. You said you were in the booth for some time in the course of the day ?—Yes.

7030. Was your attention attracted to the conduct of Mr. Sharkie in the booth ?—Yes.

7031. What attracted your attention in the conduct of Mr. Sharkie ?—Dr. Twiss, a voter, came up to record his vote, and he voted as I heard for Moore and Palmer ; the deputy sheriff was asked by Mr Blake, I think it was Mr. Blake, he was asked certainly for whom he had recorded Dr. Twiss's vote.

7032. By the *Committee.*] That was asked of Mr. Sharkie ?—Yes ; the deputy sheriff.

7033. Mr. *Karslake.*] Well ?—The answer was that he had recorded it for Captain Palmer ; Mr. Blake said that he had voted for Moore and Palmer : Mr. Blake called upon him to alter the vote, and he said that he had already recorded it and would not alter it.

7034. By the *Committee.*] Was it Dr. Twiss who said this or Mr. Blake ?—Mr. Blake, the agent for Captain Palmer ; it was immediately after Dr. Twiss left ; he was in a hurry to go away, and he recorded his vote, and he left the booth.

7035. Mr. *Karslake.*] You say Mr. Blake was there, who was the agent for Captain Palmer ?—Yes.

7036. And he brought on the conversation ?—Yes.

7037. Go on ?—Mr. Sharkie refused to alter the record ; he then stated that he supposed that Dr. Twiss having such a large moustache his voice could not be heard through it.

7038. Was the vote altered ?—No.

7039. Now then, you were in the town on the afternoon of the day ; did you go back to the polling booth after you had been in the town ?—Yes.

7040. In the afternoon of the day ?—Yes.

7041. Do you know whether the polling was adjourned on the Monday in the Kilmane booth ?—Yes.

7042. Did you hear a discussion before that between the agents of the candidates and Mr. Sharkie ?—Yes.

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7043. And after that discussion was the booth closed?—It was closed; I think for an hour.

7044. By the *Committee.*] That was on the Monday?—Yes.

7045. Mr. *Karslake.*] Was the voting going on in the other booth at the time?—I cannot tell you; I was not in it. I believe it was though.

7046. Did you see Colonel Higgins's voters come up to the poll in the course of that day?—Yes.

7047. We understand they were brought up under escort?—I believe they were. I did not see them under escort, I only saw them in the court.

7048. At former elections, has it been the practice to bring up voters under escort?—Yes, for the unpopular candidate.

7049. There are always two sides to every question; it happens there is an unpopular candidate, I suppose, always?—Yes.

7050. At all events, one candidate more popular than another. At what time did you go home on the Monday; did you sleep at your house in Ballinrobe?—Yes.

7051. How far is that from the town?—Almost in the town.

7052. Did you suffer from any riot or inconvenience during the night of Monday?—No, none.

7053. To your knowledge, was there any?—Not to my knowledge.

7054. On the Tuesday were you also at Ballinrobe?—Yes.

7055. At what time did you go to the booths on Tuesday?—Immediately after the opening.

7056. In what state was the town on Tuesday morning?—It appeared to me quiet; there was some shouting, and cheering, and hooting, as there had been on the former occasion, but there was no rioting.

7057. Was the excitement that there was then more than is usual at elections?—No.

7058. Did you see any act of violence whatever committed in Ballinrobe?—None whatever.

7059. Were you in and about the town of Ballinrobe on the Tuesday?—Yes.

7060. Constantly?—Constantly.

7061. Did you in the course of that day, after you had left the booth, hear of the polling having been adjourned?—Yes.

7062. Had you before that time observed the conduct at all of Mr. Courtenay Kenny?—Not particularly.

7063. He was acting as a deputed magistrate, I believe, was not he?—Yes.

7064. Did you, after you had heard of the adjournment, meet Sir Robert Bloss and Mr. Brown, and some others?—Yes.

7065. I believe you signed a document addressed to Mr. Sharkie?—Yes.

Mr. *Karslake* proposed to put in the document purporting to be a remonstrance from Sir Robert Bloss, Mr. Brown, and Colonel Knox, against the conduct of Mr. Courtenay Kenny.

Mr. *O'Malley* objected to the documents being put in, unless the affidavits said to have been sworn upon the occasion were also put in.

Mr. *Karslake* stated that the document had already been spoken to by Mr. Sharkie in his evidence, and put in; he therefore called for its production; it had nothing to do with the closing of the poll.

Mr. *O'Malley* stated that the original document could not now be found, and therefore a copy might be produced.

7066. Did you, with the other gentlemen whose names are appended to that document, sign a document, of which that is a copy (*handing the same to the Witness*)?—Yes.

7067. By the *Committee.*] Addressed to whom?—To the deputy sheriff, Mr. Sharkie.

7068. Was that referring to Mr. Courtenay Kenny's conduct?—Yes.

7069. I thought you said you did not observe him doing anything?—I did not see it myself; but I had been told by other gentlemen; a complaint had been made to me by them.

7070. Mr. *Karslake.*] You say that you, after you had heard something about Mr. Courtenay Kenny, met Sir Robert Bloss and others?—Yes.

7071. Did you have some conversation with them, and also some information before you signed that document?—Yes.

7072. Upon that, did you consider it your duty to sign that document, and deliver it to the under-sheriff, Mr. Sharkie?—Yes. I had been requested to leave the booth, and to go and speak to Mr. Courtenay Kenny as to his conduct.

7073. When was that?—Before I signed that document.

7074. Did you speak to him?—No, I did not; I refused to interfere, as he was a deputed magistrate.

7075. But you drew up that document which was presented to Mr. Sharkie?—Precisely.

Mr. *Karslake* proposed to read the document.

Mr. *O'Malley* objected. It was admitted that the document did not refer to the closing of the booth, but was for the purpose of arraigning the conduct of Mr. Courtenay Kenny; this was hearsay evidence, the witness admitting that he was not himself cognisant of the facts stated therein. If the parties were called who made the report, he would not object to their evidence.

Mr. *Karslake* was heard in support of the reading of the document, merely as a proof that a remonstrance was made as to Mr. Courtenay Kenny, upon which he was afterwards discontinued from acting as a deputed magistrate. The Committee would by-and-by judge of the truth of the facts alleged in the document, according as they should be proved or not.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion, that at the present moment the document could not be received.

7076. Mr. *Karslake.*] To your knowledge, did Mr. Courtenay Kenny after that act in command of the troops, or as a deputed magistrate?—I did not see him.

7077. Did you have a conversation with Mr. Sharkie after you had delivered a paper to him?—Yes, after the paper had been sent to him, he waited upon us.

7078. What passed between you and Mr. Sharkie?—Mr. Sharkie stated that the two stipendiary magistrates had been out on escort duty; the stipendiary magistrates, he stated, had been out on duty.

7079. By the *Committee.*] Who were those? Mr. Sharkie and Mr. Rutlidge?—No; Mr. Shiel and Mr. Arabin, I think, but I am not certain; and as they had returned, they would be put in charge of the troops, or one of them rather would be put in charge of the troops.

7080. Mr. *Karslake.*] Did you see them afterwards in charge of the troops?—I do not recollect particularly.

7081. What was the state of the town on the afternoon of Tuesday?—It appeared just in the same state.

7082. Did you see any violence committed at all?—None whatever.

7083. Were you to and fro in the town during the afternoon?—Constantly.

7084. When did you leave the town; did you leave the town that night at all?—I remained at my own house.

7085. What was the latest hour at which you were actually in and about the town, on Tuesday?—I think about four or five o'clock.

7086. After the polling had closed?—It was about the time the polling had closed.

7087. By the *Committee.*] When did the poll close?—The poll closed, I think, at four o'clock.

7088. On Tuesday?—No, I beg your pardon.

7089. We are on the Tuesday now?—The poll closed a great deal earlier on the Tuesday.

7090. Mr. *Karslake.*] You think you were about the town till about four o'clock in the evening?—Four or five o'clock.

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7091. Until you got to your house that evening, was the town quiet?—Yes.

7092. By the *Committee.*] Were you in the town at twelve?—Yes.

7093. What was the state of the town then?—There was some hooting and shouting, but I did not see any violence of any kind.

7094. Where were you at twelve o'clock?—I was about the town.

7095. Not at the booth?—I do not think I was at the booth when the booth closed on Tuesday.

7096. Mr. *Karslake.*] You were about the town?—I was constantly backwards and forwards, my house being so near.

7097. You say that you went to your house; you stayed at your house on Tuesday night?—Yes.

7098. Were you annoyed by any disturbance whatever on the night of Tuesday?—No.

7099. On the Wednesday; were you in Ballinrobe on that day?—Yes.

7100. Was the town quiet on that day?—Yes; there was less crowd on that day than on the Monday and Tuesday.

7101. We understand that the polling went on on that day until four o'clock; the booths were open?—Yes, I think they were; I think so. Yes, I am sure they were open till four o'clock.

7102. Did you see Colonel Higgins on Wednesday?—Yes.

7103. Where did you see him?—I saw him driving out of the town.

7104. Whom with?—I think with the sub-sheriff, Mr. Rutlidge.

7105. In what sort of carriage was Colonel Higgins?—In a phaeton; a mail phaeton.

7106. Was he molested in any way in leaving the town?—None whatever; there was no observation of any kind made that I could hear.

7107. Do you know of any personal injury being inflicted upon anybody in Ballinrobe during the election?—No, I do not.

7108. As regards property, has it come to your knowledge that any injury was done to property during the election?—The only injury that I heard had been done was the breaking of one pane of glass in an apothecary's shop, and the scratching of the paint of Mr. Courtenay Kenny's hall door.

7109. You say you have been at former elections at Ballinrobe; was there a very full attendance of voters on the Monday at this election, at the polling?—There was.

7110. A great number of electors polled?—Yes.

7111. Do you know how Colonel Higgins stood upon the poll at the close on Monday?—I cannot recollect.

Cross-examined by Mr. *O'Malley.*

7112. You are a supporter, I believe, of Captain Palmer?—Yes.

7113. Were you a supporter of Mr. Moore's in 1852?—No.

7114. Were you a party to any arrangement, by which Captain Palmer's split votes were to be given to Mr. Moore?—No.

7115. You were no party to any arrangement of that sort?—No.

7116. You are not acquainted with the terms of that compact?—I was no party to it.

7117. When was it that you determined that your vote should be given to Mr. Moore?—I never gave any vote to Mr. Moore.

7118. You plumped for Captain Palmer?—For Captain Palmer.

7119. You say that you live close to Ballinrobe; you have been asked a good deal about noise; I will ask you this; you have grounds about your house?—Yes.

7120. Surrounded by a high wall?—Well; yes, most of it.

7121. Perfectly secluded from the town?—I can hear any noise that goes on in the town, I am sorry to say; any loud shouting or noise.

7122. There was a good deal of loud shouting you say, during the course of these days?—In the course of Monday and Tuesday.

7123. Then, so far as the hearing was concerned, you did hear a good deal of noise?—I heard some.

7124. Not some, but a good deal of noise?—Yes.

7125. Whether that noise was the noise of persons who were engaged in assailing others

others, or not, you could not say from the mere sense of hearing; I suppose your sense of hearing would not enable you to tell whether it was from the shouting of those who were obstructing voters, or whether it was the shouting of persons who were cheering on the voters?—No; I suppose not.

7126. You say that up to Sunday it was quiet?—Yes; I did not hear of any violence.

7127. Where were you on the Sunday?—I think I was at Sir Robert Bloss's, but I am not certain.

7128. How far is your house from Monaghan's Hotel?—It is a considerable distance.

7129. People might be attacked by stones, and shouts, at Monaghan's gate, without your hearing them at your house?—They might.

7130. Did you hear of Mr. Conway's harangue to the people on Sunday?—No, I did not.

7131. Then I understand you were not, in the course of the Sunday, at all in the town of Ballinrobe?—I think I was; yes, I was in the evening; in fact at night.

7132. At what time at night?—I think I returned in the evening.

7133. I am not asking you about your own house; but through the streets of the town?—In the evening I think I was there; late at night.

7134. What time?—About nine o'clock.

7135. Where?—At Ballinrobe.

7136. What place in Ballinrobe?—I drove through it.

7137. Drove through the town on your way home?—Yes.

7138. Was not there a very considerable mob in the town?—I do not recollect.

7139. Was not there a very considerable mob?—I do not indeed recollect that there was.

7140. You mean to say that you do not recollect whether there was or not?—I do not recollect.

7141. There might be without your recollecting it?—I do not recollect it. I think it would have attracted my attention if there had been.

7142. You cannot undertake to say whether there was or was not?—No.

7143. Did you communicate with Mr. Peter Conway during the election?—I went to Mr. Conway's, I believe, with Captain Palmer. I went with Captain Palmer to canvass him.

7144. You went before the election, I suppose?—Yes.

7145. Some time before?—Yes.

7146. But I am asking you during the election?—I do not remember; Did I communicate with him?

7147. Yes.—I do not remember having any communication with him further than bringing up the voters.

7148. Were you assisting him in bringing up the voters?—Assisting him?

7149. Yes.—Well, I do not think I did; I do not think that I assisted him. Do you mean in providing cars, or anything of that kind?

7150. Did you communicate with him during the election?—Really I do not recollect particularly that I did.

7151. In making arrangements for bringing up the voters?—No, certainly not; I do not recollect making any arrangements for bringing up the voters; I do not think it is likely.

7152. You have told us that in previous elections you have always known it necessary to have escorts for the men of the unpopular candidate?—Yes.

7153. In 1852 you were on the unpopular side, I suppose?—I was.

7154. Does not the popular candidate mean the priests' candidate?—Yes, generally; always in fact.

7155. Then, as far as your experience goes, it has always been necessary for the voters who were opposed to the priests' candidate to have an escort?—Generally.

7156. That escort was to protect them from the fury of the mob, was it not?—To protect them from violence.

7157. From the mob excited by the priests?—I am not prepared to say that.

7158. Oh, yes, now, Colonel Knox, that mob excited by the priests?—I am not prepared to say that.

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7159. Is it not in consequence of the priests' influence over the mob that an escort is always necessary for the voters?—I do not think I can say that; I cannot swear to that; I will say what I believe to be the fact.

7160. What do you believe to be the fact?—Well, I believe it is the fact.

7161. As far as you saw, was Father Peter Conway as quiet in his demeanour in this election as on previous occasions?—Well, yes, I think he was, much the same.

7162. About the same?—Yes.

7163. Was he a party to an onslaught upon you in the election of 1852?—Not that I am aware.

7164. Now, recollect, were you not assaulted by a mob under his command in 1852?—I do not recollect that it was by his command; I was assaulted.

7165. Was not he present?—I do not recollect that he was.

7166. Try back; try and recollect?—I do not recollect that he was present.

7167. Do not you recollect that he was with a mob, and that you made a complaint that he had hounded on the mob upon you in 1852?—I do not recollect at present that I did.

7168. Perhaps you will recollect it by-and-by?—If you show me anything, perhaps I will.

7169. Come, you are a gentleman of position and standing in the county; I am sure you will say what is right; did you not complain of his hounding on the mob upon you in 1852?—Well, I do not think he did.

7170. He might have done it without you recollecting it?—I do not remember my having complained of it.

7171. Did he?—I do not recollect that he did.

7172. Was he present?—I cannot recollect that he was.

7173. I wish you would try and recollect it?—I am quite willing if I could, but I really cannot recollect it; I really do not recollect the circumstance.

7174. Did you not say he had done so?—I do not recollect that I did say so.

7175. You could not have forgotten such a fact as that, that a priest had urged on the mob to assault you?—Well, I cannot answer any further; I do not recollect it; I have stated what is the fact, I do not recollect it.

7176. You say that on Wednesday, or the latter part of Tuesday, the town was quiet?—I did not see anything to the contrary; there was some hooting and noise, as I said.

7177. Did you see this green placard (*handing a placard to the Witness*), headed "To the People of Ballinrobe"?—Yes, I did.

7178. At what time on the Tuesday did this issue?—I think on the Wednesday morning; as well as I recollect, it was on the Wednesday I saw it.

7179. Had not that a great effect in calming the town?—I dare say it had; I think it is very likely; Mr. Conway has very great influence.

7180. You have told us that on former occasions Mr. Moore was known as the priests' candidate; was not he at this last election?—Yes.

7181. And it was perfectly well known to the supporters of Captain Palmer, was not it, that the priests had given in their adhesion to him as the second candidate?—I believe it was; you say adhesion; that the priests would support Captain Palmer I cannot say to my knowledge, but I believe it was.

7182. Do you not believe it was that support which returned him?—Returned Captain Palmer?

7183. Yes.—No, I do not.

7184. Now, do you not know; you are here to tell the truth?—Captain Palmer had a great majority.

7185. Do you believe he would have been returned without the priests' support?—I think it is very probable he would.

7186. That he would have been returned without the priests' support?—I think it is very probable.

7187. Are you not aware that half his voters were given him by the priests?—I am not aware.

7188. You told us you did not vote for Mr. Moore; did your tenants vote for Mr. Moore?—I asked them to give me one vote to support Captain Palmer; I did not interfere with their second vote.

7189. You know how they voted?—I believe they voted for Mr. Moore.

7190. In

7190. In that crowd in the streets of Ballinrobe, whatever they were, do you know that one of your own tenants, a man of the name of Jennings, was one of the most active?—I am not aware that he was one of the most active.

7191. Are you not aware that he was active?—I am not aware that he was.

7192. You are not aware that he was?—No.

7193. Was not he placed in arrest for striking a horse, and striking the driver of a car of Colonel Higgins?—I was requested by Mr. Kenny, I think that was the gentleman; I was requested to take a man of the name of William Jennings, who is a tenant of mine, to the police barrack, because he had committed some assault.

7194. Did you?—I did; it was represented to me that I could do it more quietly from my influence at Ballinrobe; it was not likely to create a disturbance.

7195. You told us that at the time when the dragoons were clearing the streets, the stipendiary magistrate was in charge?—Yes, I believe he was; I think so; I am not certain.

7196. Was Mr. Arabin one of them?—I am not certain; I think Mr. Shiel was the other.

7197. Was Mr. Arabin one of the stipendiary magistrates at Ballinrobe?—He was.

7198. Are you aware that he had to send at eleven o'clock on Sunday night to the high sheriff a request for further troops?—I am not.

7199. Is that his handwriting (*handing a paper to the Witness*)?—I think it is; it is.

7200. You are not aware of that fact; did you propose a vote of thanks to the deputy sheriff at the close of the poll?—No.

7201. Were you present when it was proposed?—I was present at the close.

7202. Whom by?—I do not recollect anything of the kind.

7203. You spoke about Dr. Twiss; you referred to the gentleman in moustaches?—Yes.

7204. What gave rise to the question how the vote had been recorded?—Somebody spoke about it; I really forget exactly.

7205. Was not it the very indistinctness with which the man had spoken that left it a matter of doubt upon the minds of those to whom the doubt occurred?—I really cannot say.

7206. Is Dr. Twiss here?—I cannot tell you.

7207. I understand you have spoken about the state of the town on Tuesday; do you know that the Shrule voters in returning upon the Tuesday evening were attacked by a mob, and pelted with stones?—I am not aware of that.

7208. You were not everywhere, I suppose?—I could not be.

7209. The voters might have been stopped and carried away from the Cong Road without your knowing it?—Certainly.

7210. You were not at chapel on that day, on the Sunday?—I am a Protestant.

7211. You had no opportunity of hearing what passed there?—No.

7212. You have told us now something about the priests' candidate; did you see Mr. Moore when he first came to canvass; when he first arrived, you were not at Castlebar, were you?—I was there at the nomination.

7213. But upon the day on which Mr. Moore arrived?—I was there at the nomination, but I did not see Mr. Moore before, that I can recollect.

7214. Has Archbishop M'Hale any vote in the county?—I believe not.

7215. Was not it an object with Captain Palmer's friends to get Archbishop M'Hale's support?—Well, I should think they would be very glad to get his support, or any support they could.

7216. How was that support to be given?—That I am not prepared to say.

7217. Oh yes, you are?—No, I am not.

7218. Excuse me for saying that you know perfectly well how it was to be given?—I do not know anything about it.

7219. By getting the priests, I suppose in an Irish way, to be very quiet?—I cannot say.

7220. You cannot say; however, it was an object and he got it?—Well, I believe he got it. I am not prepared to say whether he did or not. I do not know it of my own knowledge.

7221. Do you know of any meeting between the priests and Captain Palmer's

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supporters before the resolution of the priesthood was issued, proposing him as the second candidate?—*(No answer.)*

7222. Mr. *Karslake.*] Were you present at the meeting?—I was.

7223. With whom?—There was Mr. Curley, I think, and Mr. Hostie. I know there were three priests. Mr. Curley was one.

7224. Mr. *O'Malley.*] And who on the other side?—Sir Robert Bloss and myself.

7225. By the *Committee.*] Who were the priests?—There were three priests, Mr. Curley was one, and the other was Mr. Hostie, I think, but I am not certain. I really do not know the priests.

7226. You do not know the third?—I do not know either the second or the third; there were three; certainly one was Mr. Curley; I do not know the others.

7227. Mr. *O'Malley.*] Was that Mr. Curley, who has been in this room during the proceedings?—I cannot say.

7228. Who met on Captain Palmer's behalf on this occasion?—There was Lord John Browne, and Sir Robert Bloss, and myself.

7229. Did you hold a meeting?—We were all in the same room. I am not quite certain whether Mr. James Arthur Browne was there or not.

7230. You came to discuss the terms upon which the assistance of the priests was to be given to Captain Palmer?—To hear what support they would give, I believe.

7231. What they would give?—Yes.

7232. In the way of support?—Yes.

7233. I will just ask you this: was the priests' support proffered on the one side?—My impression is that it was; the priests offered to support Captain Palmer, as well as I recollect.

7234. And were there any pecuniary arrangements made?—None that I heard of.

7235. Discussed, but not any agreed upon?—No, I did not hear any discussed.

7236. It was arranged, you say, at that time that they should give their second votes to Captain Palmer?—I am not prepared to say that, because I myself not being a party, and not intending to support Mr. Moore, did not take any part in it.

7237. Was not it arranged there that they were to give their second votes, that is, Mr. Moore's second votes, to Captain Palmer; that is the support you meant, was not it?—No; I cannot say that that arrangement was decided upon.

7238. What was the support you meant?—To support Captain Palmer generally.

7239. How?—I suppose, to give him votes.

7240. To give him Mr. Moore's second votes, was not it?—I did not say that, but to support him generally.

7241. Was not that what you understood?—It was.

7242. And that arrangement was so made between three gentlemen on the part of Captain Palmer and the priests?—No; I beg to say I had no part in it at all.

7243. Then, between two gentlemen on the part of Captain Palmer, and three priests upon the part of Mr. Moore; that was fairly and honestly carried out?—I cannot say that; I was not a party to it.

7244. Was not that the state of the election?—I believe it was; I believe Mr. Moore gave his support to Captain Palmer, and the priests too supported Captain Palmer, generally speaking.

7245. And in consequence of that arrangement, Mr. Lambert, of Brooke Hall, withdrew, did not he, who was a second candidate?—I am not at all aware; I do not know; I cannot say.

7246. You spoke of the closing of the poll on the Monday; are you quite sure you are correct in that?—I believe for a time, certainly.

7247. Do not you know there was a pause while a discussion took place respecting whether a priest should be given in charge or not?—There was a discussion held about putting Father Conway on the bench.

7248. That was the pause to which you allude?—Not at all; I was not present at the time; I was told there was an adjournment.

7249. I thought that; I felt quite sure that you could not have been present at

at the time?—At the adjournment; I was not present when the poll was adjourned.

7250. I felt quite sure you could not be, because the witnesses have sworn that the facts are so different.

7251. By the *Committee.*] At the time you were in the Court, was Mr. Conway's conduct of such a description that the deputy sheriff was obliged to send for the stipendiary magistrate; were you in the Court at the time?—I do not recollect his sending for the stipendiary magistrate; but I recollect perfectly his giving Mr. Conway the option of either sitting upon the bench with himself, the deputy sheriff, or being sent to gaol.

7252. What had Mr. Conway done to call for such an offer as that?—I am not quite sure what he had done.

7253. You were not in the Court?—I have no recollection of what he had done.

Re-examined by Mr. *Karslake.*

7254. As to the deputy sheriff, who records the votes at the Irish elections?—Not the sub-sheriff, but the deputy sheriff; it was he who recorded the vote there.

7255. Did you hear Dr. Twiss tender his vote in the booth?—I do not recollect now that I heard him absolutely state whom he voted for.

7256. You say that you asked for one vote for Captain Palmer?—Yes.

7257. May I ask how many voters there are who are tenants of yours in Ballinrobe, or about the number?—How many tenants; how many voters?

7258. Yes?—I suppose there were, probably, about 30 who voted for Captain Palmer.

7259. Did many of those voters vote for Mr. Moore also?—I believe most of them did.

7260. Are they resident in the town of Ballinrobe?—Some are, and some are not.

7261. In the immediate vicinity?—Yes.

7262. By the *Committee.*] I suppose that includes your father's tenants?—I mean my father's; the counsel speaks of my father's.

7263. Mr. *Karslake.*] Is the deputy sheriff president of a particular booth?—Yes.

7264. Does he preside in the booth?—Yes, it is he who asks all the questions.

7265. Does he ask the questions which are put to the voters?—Yes.

7266. And in the event of a discussion arising about a vote, is he the person to decide it?—Yes.

7267. He does not write down the votes with his own hand, I believe; there is a poll-clerk who does that?—My recollection is that he did it in that case; but there was also a poll-clerk by his side working.

7268. The decision is left to the deputy sheriff?—Yes.

7269. You say in 1852 you were yourself a deputy magistrate?—I was a deputy magistrate.

7270. Are you also an active magistrate in Ballinrobe?—Yes.

7271. Do you constantly act there?—Constantly.

7272. As a deputy magistrate in 1852, did you act in Ballinrobe with the troops?—Yes.

7273. You probably can tell me whether, in your opinion, this last election was quieter or less quiet than the election in 1852?—It certainly was as quiet, I should say.

7274. You say things might have happened without your knowing; were you constantly up and down the town throughout the whole of the election?—From time to time I was.

7275. On the Sunday evening, I think, you said you drove through Ballinrobe about nine o'clock?—Yes, as well as I recollect, about nine o'clock.

7276. Did you come the whole length of the street?—Yes.

7277. In doing so would you have passed Monaghan's Hotel?—Yes. I wish to say now with regard to Sunday; I am not quite sure about Sunday. I would rather withdraw that about being at Ballinrobe on the Sunday.

7278. By the *Committee.*] To come from Sir Robert Bloss's you would have to pass through Ballinrobe?—Yes.

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7279. Mr. *Karslake.*] You are not quite certain whether you were there or not, but at all events you slept at your own house at Ballinrobe that night?—I did.

7280. By the *Committee.*] Do you know how the deputed sheriffs are selected?—They are selected by the high sheriff; he gives the deputations.

7281. Is there any rule laid down for the selection?—I am not aware whether there is or not.

7282. When you were selected in 1852, were you a friend of the high sheriff?—No, not particularly; but I think, because I was supposed to have a certain degree of influence at Ballinrobe, I was considered to be a fit person.

7283. There is no rule for the selection about their being six on one side, and six on the other?—No; I am not aware of any.

7284. How long did this meeting last at which you were present between the friends of Captain Palmer and the priests?—About 10 minutes, I should say; I not being a supporter of Mr. Moore, took very little part in it

7285. But you heard what passed?—I heard some of it.

7286. Did you consider Captain Palmer bound by that?—Yes.

7287. And Mr. Moore?—And Mr. Moore, certainly.

[The Witness withdrew.

Sir *Robert Bloss* was called in; and, having been sworn, was Examined by Mr. *Karslake*, as follows:

Sir *R. Bloss.*

7288. WHERE do you live in Ireland?—At Athavallie, in the county of Mayo.

7289. Have you considerable property in the neighbourhood of Ballinrobe and Claremorris?—Yes.

7290. Did you take an active part in the last election?—Yes.

7291. On whose behalf?—I took an active part on behalf of Captain Palmer, and also for Mr. Moore, in return for the support that Captain Palmer was to receive from him.

7292. Did you attend at the nomination at Castlebar?—Yes.

7293. That was on the Friday before the election?—Yes.

7294. What was the state of the town on that day?—I thought the town very quiet.

7295. Have you been in the habit of attending elections for the county of Mayo?—Yes; I think at three elections before.

7296. Was there on that day anything unusual in the excitement that prevailed in the town?—No; there was much less excitement than is usual on the day of nomination.

7297. Did you go to Ballinrobe on the Monday morning?—Yes.

7298. I believe a good many voters went with you?—A good many.

7299. At what time did you arrive in Ballinrobe?—I arrived in Ballinrobe, I think, before nine o'clock. I think the poll opened at nine. I was there some time before.

7300. In what state was the town on that morning?—It was very full, but seemed very quiet.

7301. It was market-day, we understand?—I believe it was market-day.

7302. Were there a good many people in the streets?—The streets were very full.

7303. A good many women and children?—A good many women and children.

7304. Did you remain in Ballinrobe all the Monday?—Yes; I remained all the Monday. I remained Monday and Tuesday, and until about 12 o'clock on the Wednesday.

7305. And slept both nights in Ballinrobe?—And slept both nights in Ballinrobe.

7306. By the *Committee.*] On Monday and Tuesday?—Yes.

7307. Mr. *Karslake.*] What were you doing chiefly on Monday; were you about the town?—I was about the town; I was in and out of the hotel where the voters were, and going up to the poll, and watching the polling, and backwards and forwards through the town.

7308. By the *Committee.*] What hotel; was that the committee-room?—There

There was no committee-room; it was used merely as an hotel; I think it was merely used for collecting the voters.

7309. Mr. *Karslake.*] That was not Gildea's Hotel; I believe it was Giller's Hotel?—Giller's Hotel.

7310. Near the Court-house?—Near the Court-house, on the opposite side of the street.

7311. Is Gildea's Hotel opposite Monaghan's?—I am not aware; there is an hotel there.

7312. Giller's Hotel you speak of is near the Court-house?—Yes.

7313. Far away from Monaghan's Hotel?—Yes.

7314. What was the demeanour of the people in the streets during Monday?—There was a good deal of excitement, and a good deal of shouting, and cheering, and hooting.

7315. Did you see any act of violence committed?—No, I saw no act of violence committed.

7316. Did the women and children take part in this shouting and cheering?—Yes, they appeared to take the most active part.

7317. You say that you have attended other elections; did you see anything at all unusual in the state of the town on this Monday?—It was unusually quiet, I thought, compared with what I had seen on former elections.

7318. You say you went with voters to the poll occasionally?—Yes.

7319. In company with them?—Yes, in company with them.

7320. Were there military and police drawn up in front of the Court-house?—Yes.

7321. Has that same practice been adopted at all elections at which you have been present?—Yes, I have always seen the same thing.

7322. It is always the custom in Mayo, is it not?—Yes.

7323. Did you see Colonel Higgins's voters being escorted to the poll?—Yes; I saw Colonel Higgins's voters; they appeared to be brought from Monaghan's hotel, I believe, with the escort.

7324. Did you see any violence offered to them as they were brought up?—No; as they came up there was a great deal of shouting and hooting; but I did not see any violence offered to them.

7325. By the *Committee.*] Was that owing to the quiet conduct of the mob, or to their being protected by the military?—I think if the soldiers had not been there, they probably would have been hooted or pelted.

7326. But I mean assaulted?—They were following the soldiers and hooting.

7327. Do you think if the soldiers had not been there they might have been assaulted?—I think it very possible they might have been pelted.

7328. Mr. *Karslake.*] Has it been always, in your experience, the custom, on the unpopular side, to bring up the voters with an escort?—Certainly; it would be almost impossible, I believe, on the unpopular side to bring up the voters without an escort.

7329. I suppose it always happens in every polling-place there is one candidate more popular than another?—Certainly, from what I have seen.

7330. You have told us what took place on the Monday; at what time did you leave the streets of Ballinrobe on the Monday?—I left the streets after the polling was over, I think, about four o'clock.

7331. Where did you stay that night?—I slept at Colonel Knox's house.

7332. Were you in any way disturbed during that night?—No.

7333. Just go to the Tuesday; on the Tuesday were you also at the poll?—I was.

7334. Were you there early?—Yes; I think I was there before it opened.

7335. What was the state of the town on the morning of that day?—It seemed quiet.

7336. Did that continue so on the Tuesday?—Yes.

7337. On the Tuesday did you continue in and out of the booth, and about the town?—Yes.

7338. Throughout the Tuesday what was the state of the town?—I think there was less excitement than on the Monday; there was occasionally hooting and cheering, but there appeared to be less excitement than on the Monday.

7339. Was there any violence whatever offered, so far as you saw, by the people in the town on that day?—None; I saw no violence.

7340. Did you see any stones thrown in the course of the day?—No.

7341. Or any sticks used?—No.

7342. Did you see, during the election, persons who were in the interest of Colonel Higgins, walking about the town?—I saw some.

7343. Were they going under escort, or going alone?—Alone; I saw them going under escort at the time of polling, but I also saw some supporters of Colonel Higgins without an escort in the town.

7344. By the *Committee.*] On what day was that?—The second day.

7345. At what o'clock?—I cannot say exactly; I should think towards the middle of the day.

7346. Was it after the court was closed?—It was before the court was closed, I think, but I cannot be positive about it; I did not note the time.

7347. Did you see any supporters of Colonel Higgins vote without an escort?—No, I did not see them brought up without.

7348. Mr. *Karslake.*] As far as you observed, were all the voters of Colonel Higgins collected at Monaghan's Hotel before going up to the poll?—It appeared to me to be so; it appeared to me they were collected and brought out from the hotel to the polling-place.

7349. We understand that at elections it is customary in Ireland to appoint deputy sheriffs?—For the booths, you mean?

7350. Yes?—Yes.

7351. And those deputy sheriffs are appointed by the high sheriff?—Yes.

7352. Did you know personally the under sheriffs or the deputy sheriffs at the booths in Ballinrobe?—I knew neither of them personally; I knew who they were, but I was not personally acquainted with them.

7353. Mr. Sharkie was one of them?—Yes.

7354. And Mr. Jennings the other?—Yes.

7355. Do you know Mr. Jennings at all?—No, not personally at all.

7356. Has it been usual to appoint persons who have been active for a candidate, as deputy sheriffs?—No; I should say that violent partisans were not generally appointed.

7357. Was there anything in Mr. Jennings's conduct in the booth that attracted your attention during the time of the election?—Yes; I thought he was acting unfairly, he was acting partially.

7358. By the *Committee.*] Does he live in the neighbourhood of Ballinrobe?—He lives not very far from Ballinrobe, about three or four miles from it.

7359. Mr. *Karslake.*] Did you observe that in more than one instance?—Yes.

7360. By the *Committee.*] Are those deputed sheriffs appointed long before the election, on the day of nomination?—I think they are appointed after the day of nomination; I cannot speak positively, but I believe they are appointed after the day of nomination.

7361. Mr. *Karslake.*] Has it also been the practice to appoint deputy magistrates during the election?—It has been the practice to give a deputation to some local magistrates.

7362. Is that for the purpose of acting with the troops?—That is for the purpose of acting with the troops and generally attending to the preservation of the peace.

7363. Has it been the practice at former elections to appoint certain persons who are interested upon either side?—I think so; it has been the practice to appoint parties friendly to both parties; to appoint some gentlemen in that way.

7364. Did you upon the present occasion apply for a deputation?—Yes; I applied to the high sheriff.

7365. Did you receive one?—No; the high sheriff wrote to decline appointing me.

7366. Mr. *O'Malley.*] Did you write to him?—I wrote to the high sheriff.

7367. Mr. *Karslake.*] Have you the high sheriff's letter declining to appoint you?—No; I did not keep it.

7368. It is lost?—It is lost; but the high sheriff wrote in very courteous terms, saying that if he required my services he would avail himself of them.

7369. You were not appointed?—No; I was not.

7370. Do you know of your own knowledge of any other applications of that kind?—I know of other applications.

7371. Will you mention the names of any gentlemen who received letters which you saw?—I saw the letters.

7372. Tell me the names of the gentlemen who showed you letters; I do not want the contents of the letters?—Lord John Browne, Mr. Fitzgerald, of Turlo, Colonel Knox, and Mr. Geoffrey Brown.

7373. Were you at the polling-booth on the Monday in the afternoon?—Yes.

7374. Did you hear a discussion take place about adjourning the booth upon that day?—Yes.

7375. Was that by the deputy sheriff?—Yes.

7376. Mr. Sharkie?—Mr. Sharkie.

7377. Who was it proposed to adjourn the booth upon that day?—Some of Colonel Higgins's agents; I think some parties acting on his behalf in the Kilmaine booth.

7378. Do you recollect the gentleman who did that?—I cannot be sure, but there were two or three gentlemen employed on his behalf.

7379. Upon that application did Captain Palmer's agents do anything?—Captain Palmer's agents stated that there was no necessity for adjourning the booth, for the town was tranquil; and they stated that the only reason for adjourning the booth was that Colonel Higgins had no voters to poll, and that was the reason they sought the adjournment.

7380. That was stated to Mr. Sharkie?—I heard it stated.

7381. Mr. *O'Malley.*] Were there affidavits put in?—No, I believe not; I was just coming to mention about the affidavits; Mr. Dominick Blake——

7382. Mr. *Karslake.*] Wait a moment; what passed upon the statement being made that they had no voters to poll?—Mr. Blake stated that they could not adjourn the poll without an affidavit.

7383. By the *Committee.*] Mr. Blake was Captain Palmer's agent?—Yes.

7384. Mr. *Karslake.*] That they could not adjourn without an affidavit?—That they could not adjourn without an affidavit.

7385. Did he do anything more?—That he, the deputy sheriff, was bound till the poll was adjourned to receive voters; and he, therefore, begged to tender a vote on behalf of Captain Palmer.

7386. Did he tender one?—He did tender one; I rather think his own.

7387. By the *Committee.*] Was the vote taken?—No, the vote was rejected.

7388. This was on the Monday you are speaking of?—On the Monday.

7389. Mr. *Karslake.*] The vote was not taken?—The vote was not taken; Mr. Sharkie said he would adjourn the court.

7390. Did you leave the court, the booth, under the impression that it was adjourned?—I left the booth then under the impression that it was adjourned.

7391. Did you go to the Claremorris booth then?—Yes, I went to the Claremorris booth then.

7392. Was polling going on there?—It was open; I will not be positive that votes were taken, because a good many had been exhausted in the course of that day; I will not be certain that I saw any taken, but it was open.

7393. By the *Committee.*] At what time of the day was that?—I should think about three o'clock; I think the poll closed at four, and it was open again in the Kilmaine booth.

7394. Mr. *Karslake.*] It was open again in the Kilmaine booth?—Yes.

7395. You say you left the booth under the impression that it was adjourned, and you went to the other booth?—Yes.

7396. You left Mr. Sharkie's booth?—Yes.

7397. Which booth was that?—The Kilmaine booth.

7398. And then you went to the Claremorris booth?—Yes.

7399. Did you afterwards go back to the Kilmaine booth again?—I will not be positive that I was in the Kilmaine booth again that night.

7400. By the *Committee.*] You say this adjournment was made without any affidavit of any sort?—Yes; the sheriff said he would take the affidavits later, I understood, and he then refused the vote, and said he would adjourn it, and I then left the booth.

7401. Mr. *Karslake.*] This you say was on the Monday?—This was on the Monday.

7402. Were you engaged yourself during the Monday in bringing up voters from time to time?—Yes, in the Claremorris booth.

7403. Did you see Roman-catholic priests present in that booth?—Yes, in the Claremorris booth.

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7404. Did you observe anything improper in their conduct in the booth?—No, not in the Claremorris booth; I observed no impropriety.

7405. They were taking an interest in the election; did you see them do anything at all that was objectionable?—No, I did not see anything that was irregular.

7406. On Tuesday you say the town was quieter in your judgment than before?—Yes.

7407. Do you know in what state the poll was on the Monday night as regards Colonel Higgins?—Colonel Higgins was in a slight minority.

7408. Were a great many voters polled upon that first day?—Yes; I should say the great bulk of the voters.

7409. By the *Committee.*] Are you speaking of Ballinrobe?—Of Ballinrobe and Claremorris voters too; I speak of the gross poll in the course of the first day.

7410. Not for the whole county?—No, the two booths in that town.

7411. Mr. *Karslake.*] On the first day a large number of voters had been polled, on the Monday?—Yes, a large number of voters were polled upon that day.

7412. As regards the state of the town on the Tuesday, what was it?—It was quiet.

7413. You saw no violence committed?—No.

7414. Did you, at any time, have your attention called to the conduct of Mr. Kenny and the troops?—Yes.

7415. You saw them yourself?—Yes.

7416. Just tell us what you observed?—I observed that the troops were charging up and down the town when the people appeared to be quiet, charging without sufficient reason.

7417. Were you in a position to have seen whether anything had occurred to make the charging necessary?—No; something might have occurred, but the charge was going on once or twice when I was standing there; I was not standing in the street all the time, I was going in and out.

7418. But so far as you saw, nothing had occurred to call for it?—Nothing had occurred, so far as I saw.

7419. You say the troops were charging up and down the street; did the people give way?—The people were getting out of their way.

7420. Did you see any violence attempted towards the military when they were doing that?—No.

7421. By the *Committee.*] Were they infantry or cavalry?—Cavalry.

7422. Mr. *Karslake.*] Was there the slightest resistance made upon them?—No; there appeared to be no resistance.

7423. Did that have the effect of clearing the streets?—Oh, yes, for a time.

7424. Did you see this done more than once?—Yes; I think I saw it done either two or three times.

7425. Did you hear the Riot Act read?—No, I did not.

7426. Did you see Mr. Kenny himself?—Yes.

7427. In what state was he?—He appeared very much irritated.

7428. Had you seen him interfered with in any way to cause this irritation?—There was a party of women and children hooting him.

7429. Was that after the charge of the cavalry?—No, I think it was before.

7430. By the *Committee.*] You do not know the original cause of the troops being ordered to charge?—No, I do not.

7431. Mr. *Karslake.*] What effect did this produce upon Mr. Kenny; the women hooting him?—He seemed very much irritated.

7432. Was it shortly after that that the crowd was charged?—It was in the course of the day; I saw them in the morning hooting him, and it was in the course of the day that I saw the two or three charges.

7433. By the *Committee.*] Did I understand you rightly, that the hooting did not immediately precede the charge?—No, not immediately precede it.

7434. There was some interval?—There was some interval.

7435. An hour or two?—There may have been an hour or two. In fact, they were hooting Mr. Kenny upon the previous day in the booth; also hooting him both days.

7436. Mr. *Karslake.*] You observed that he seemed irritated after he was hooted?—Yes.

7437. Had you known Mr. Kenny before?—Yes.

7438. Had he taken part in this election?—Yes; he was taking a violent part; a strong part.

7439. In whose favour?—In Colonel Higgins's; he was a member of Colonel Higgins's committee.

7440. I believe you were one of the gentlemen who drew up a document; a remonstrance?—Yes. I may mention that I heard different things, which I do not repeat, as to the cause of the charge.

7441. Will you just tell me at what place the troops were, at the time the charge commenced; do you know that?—No.

7442. You saw them in the act of charging?—Yes.

7443. As far as you saw from the position in which you were, could you command the street to a certain extent before you saw the dragoons coming?—No; I was upon the level of the street with the people; I could not see.

7444. You saw the dragoons actually clear the street of people whom you had seen before?—Yes.

7445. Were those people whom you saw in the street, doing anything at all in the street to require the street to be cleared?—No; the people seemed to be perfectly quiet on Tuesday.

7446. Although, as you say, there might have been something, yet you saw nothing to justify it?—No.

7447. You slept, I understand, on the Tuesday night in the town; may I ask at what time you left the town on the Tuesday night; at what time did you leave the streets?—In the afternoon; after the polling was closed, and after the remonstrance had been handed in.

7448. There was an adjournment?—There was an adjournment.

7449. That, I believe, was about a quarter past one?—Something later; sometime in the course of the afternoon.

7450. Were you about the town after that, before you went to Colonel Knox's?—Yes.

7451. In what state were the people then?—The town seemed quiet.

7452. Did you see any violence offered to the people at that time?—No.

7453. Nor any during that time?—I was not in the town during the night; it might have been offered without my knowledge.

7454. Were you in the town during the Wednesday?—Yes.

7455. How did the town seem then?—Perfectly quiet.

7456. On the Wednesday was there any excitement at all?—No; all the excitement appeared to have worn out.

7457. We understand that the booths were kept open until four o'clock on that day, on the Wednesday?—I left it about twelve o'clock, so that I cannot say.

7458. During the whole course of that election, did you see anything in the demeanour of the people indicating more than the ordinary excitement which you have observed during elections in Ireland?—No; I thought much less than usual; there appeared to be less excitement.

7459. By the *Committee.*] Did you see any difference between the conduct of the people in the early part of the day on Tuesday and the afternoon of Tuesday?—No; I did not perceive any difference.

7460. You do not think they were quieter at one part of the day than the other?—No.

Cross-examined by Mr. *O'Malley.*

7461. I will just ask you about this part first; you say that Mr. Courtney Kenny was a violent partisan?—Yes.

7462. Are you aware that he voted for Captain Palmer?—Yes.

7463. He voted for Captain Palmer and Colonel Higgins?—Yes.

7464. He is the oldest magistrate, I believe, in the county?—Of that I am not aware; he is a very old magistrate, and an old man.

7465. At the time when you say that the cavalry were charging down, are you not aware that they were under the command of Mr. Shiell, the stipendiary magistrate?—No; I believe they were in charge of Mr. Courtney Kenny.

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7466. Will you venture to say that?—To the best of my belief.

7467. Now just recollect, because we have had another gentleman examined here; were they not under the charge of Mr. Shiell at that time?—To the best of my belief they were under the charge of Mr. Kenny, and I will explain why I feel pretty sure about it; because after the remonstrance was written, I had an interview with Mr. Sharkie, and we expressed our opinion that Mr. Courtney Kenny's conduct was injudicious, and Mr. Sharkie then said that one of the stipendiary magistrates should be put in command of the troops; and that confirms me in my belief that, at the time I speak of, Mr. Courtney Kenny was in command.

7468. Then you do say that Mr. Courtney Kenny was in command, or it amounts to that?—Yes.

7469. You were a party to the arrangement between the priests and the supporters of Captain Palmer?—Yes.

7470. Can you tell me who the other priests were besides Mr. Curley?—When you name priests, my communication was more with Mr. Moore himself.

7471. I want to know as to the interview at which you three gentlemen, you and Lord John Browne, and Colonel Knox, met with Mr. Curley and two other priests?—I do not recollect any interview in particular.

7472. If not in particular, will you tell me generally any one meeting you had?—I saw Mr. Curley several times at Castlebar.

7473. I want the time when you saw him with two other priests?—I have no recollection of it.

7474. By the *Committee.*] You saw Mr. Curley at different times, you say?—I saw Mr. Curley at different times before the election at Castlebar.

7475. Mr. *O'Malley.*] Do not you know of a meeting at which Colonel Knox and Lord John Browne were present; a meeting with three priests on the other side, at which arrangements were made for getting the support of the priests for Captain Palmer?—No, I have no recollection of that at all.

7476. What meeting was it you were present at?—I do not know that I was present at any meeting in particular. I saw the Roman-catholic clergy on different occasions at Castlebar.

7477. Before the election?—Before the election.

7478. On the subject of this election?—To ask generally what support they were prepared to give to Captain Palmer.

7479. Tell me the names of some of them?—I saw Mr. Curley and I saw Mr. Green.

7480. Is that Archdeacon Green?—No, I think not Archdeacon Green; and I saw Mr. Hosti and Dean Costelloe.

7481. And Archdeacon Brown?—I do not think I had any conversation with Archdeacon Brown till the day of the polling.

7482. Those were the gentlemen you saw, to ascertain what amount of support they were to give?—Yes.

7483. In return for receiving support?—Yes.

7484. When was it finally arranged what amount of support they were to give?—It was arranged that they were to give every support they could; that they were to give their second votes to Captain Palmer.

7485. When was that arrangement made?—I cannot say exactly what day it was made, because I had been in communication with Mr. Moore; I had communicated with Mr. Moore before; and I understood Mr. Moore had communicated with his friends.

7486. Was it by Mr. Moore's desire that you communicated to these priests?—No, not by Mr. Moore's desire.

7487. By the *Committee.*] Had you communicated with him before?—I had.

7488. You say it was arranged that they were to give their support?—What I meant by that was, that the Roman-catholic clergy generally, as a body, were to use their influence to give him split votes; to give them to Captain Palmer.

7489. Mr. *O'Malley.*] You cannot tell, then, the day when that arrangement was brought to a close?—No.

7490. Was it after that the resolution came out, by which the priests recommended Captain Palmer as the second candidate?—I think it must have been.

7491. Was it part of your arrangement that they should put out a notification to

to that effect?—No, I cannot speak positively, but I believe the resolution came out after the arrangement had been virtually entered into.

7492. You told us you saw Archdeacon Brown upon the morning of the polling?—Yes.

7493. Where did you see him?—He came into Ballinrobe with me.

7494. As to this Mr. Curley, whom you saw upon the subject of this arrangement; do you know what is meant by acting as fugleman to the mob?—I understand it.

7495. Was he acting as fugleman to the mob on the day of nomination?—I did not see him.

7496. Did you not see him on the table, in the Court-house, very active?—I did not see him on the table at all in the Court-house.

7497. Did you not see him in the Court-house?—I saw him in the Court-house.

7498. Where?—In the gallery.

7499. With Mr. Moore?—He was applauding Mr. Moore.

7500. Was not he also not only applauding Mr. Moore, but did he not occasionally make signs with a red handkerchief?—Not that I saw.

7501. Did you not see signs made by him for the interruptions to take place?—No.

7502. You have talked about previous elections and escorts of troops?—Yes.

7503. The escorts were never necessary for the priests' candidates, were they?—Oh no, certainly not.

7504. Were not those escorts for the purpose of protecting the voters against the mob?—Certainly.

7505. Now I ask you, do you believe that at this or the previous election any voters could have voted against the priests' candidate in safety without an escort?—I think they would very probably have been stopped if they had not had an escort.

7506. Were you aware that Father Peter Conway had exhorted the mob not to touch the police or the soldiers?—No, I was not.

7507. Then what I understood you to say was, that while the mob was in possession of the streets everything was quiet?—I did not say that the mob was in possession of the streets.

7508. Were they in possession of the streets?—No, they were not in possession of the streets.

7509. Will you tell me any other power that could move there without the permission of that mob, unless protected by the military. Was not the mob a one-sided mob?—The mob was entirely on one side.

7510. Were not the streets filled with a mob on one side of the case?—The streets were full, and the mob was entirely on one side.

7511. Did you not yourself see priests moving through that mob?—Yes, I saw them walking.

7512. Walking through the mob?—Yes.

7513. Backwards and forwards; I ask you, was not that mob under the command of the priests?—No, I do not say it was under the command of the priests; I believe they had great control over it.

7514. You were not there on the Sunday?—No, I was not.

7515. On the Monday, did you see Mr. Conway except in the booth?—No, I do not think I saw him, except in the booth, on Monday.

7516. Were there many priests in the booth?—There were a good many priests in the booth; you speak of both booths, I presume.

7517. Yes. I will take the Kilmaine booth first; was Father Conway there?—Yes.

7518. How many more do you think?—I suppose there were four or five others; but I was very little in the Kilmaine booth.

7519. Do you believe they were there for any other purpose than to overawe the voters?——

Mr. *Karslake* objected to the question.

The *Chairman* stated that the question could not be put.

7520. Mr. *O'Malley.*] Is Father Conway the quietest of men?—Certainly not.

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7521. I think you can speak a little from experience; could you point out in the county of Mayo a more dangerous man at the head of a mob than Father Peter Conway?—I do not know; that is saying a great deal; but he is a very dangerous man at the head of a mob, I have no doubt.

7522. A tower of strength to any man whom he supports at an election?—I do not know; that may be a matter of opinion; I should doubt that.

7523. You sought his support, did you not?—We accepted it; but not violence; I distinctly deny that.

7524. I do not attribute that to you?—

7525. By the *Committee.*] You mean that you accepted his support?—Not his support individually, but the support of his party.

7526. Mr. *O'Malley.*] The priests have assumed to dispose of the representation of Mayo, have they not?—For some time past; this is not the first occasion.

7527. And you are perfectly aware that Mr. Moore was the priests' man on that occasion?—Yes; that is, I mean the Member put forward by their wishes, whose views coincided with theirs and who had their support.

7528. By the *Committee.*] Put forward by their wishes and receiving their support; is that what you said?—Yes.

7529. Mr. *O'Malley.*] There was another Conservative candidate in the field originally, was not there?—I really do not know what the gentleman's politics were.

7530. Mr. Lambert?—Mr. Lambert is not a Conservative, I believe; he was for tenant right.

7531. At least he was not a priests' man?—The priests did not put him forward.

7532. By the *Committee.*] He was a candidate, was he?—He was a candidate.

7533. Did he appear at the nomination?—No, he did not. He had canvassed the county before, but he did not appear at the nomination.

7534. Mr. *O'Malley.*] In that arrangement, may I ask you, which you speak of, were there any pecuniary arrangements made?—No, I had nothing to do with any pecuniary arrangements between the parties.

7535. You talked of deputed magistrates?—Yes.

7536. What is the duty of a deputed magistrate, in your opinion?—Generally to preserve the peace; the opinion has been, I believe, I always understood it to be, that when the writ for the election came down, the right of acting on the part of the local magistrate ceased; that he could not act as a magistrate without a deputation from the sheriff.

7537. The deputation is to keep the peace?—It is to keep the peace.

7538. Did you ever know that there was an election, in which there were impartial men who did not espouse one side or the other?—It would be utterly impossible; the gentlemen who got deputations were gentlemen who were naturally interested for one side or the other.

7539. The deputation magistrates would be of very little use on the side of Mr. Moore and Captain Palmer on that occasion?—I do not know that; they might be very useful.

7540. Whom were they to protect?—They were to protect their own voters if they were in any danger.

7541. Was there the least necessity for protecting the voters of Mr. Moore and Captain Palmer from one end of the county to the other?—From what I have heard, in the other part of the county very great.

7542. But from your own knowledge?—Not from what I saw.

7543. All the protection that was needed was needed for Colonel Higgins's voters?—Yes, they were the parties who required the escorts.

7544. Parties are apt to take a different view of the state of quietude or the state of violence according to the side they are on?—Very naturally, I should think; it is very possible they may.

7545. The wind is not so strong when it is behind you as when it is before you?—No.

7546. I understand that in this case, as you walked through Ballinrobe from time to time, you were, to use a common newspaper expression, crammed by the breath of popular applause?—No, I do not think I was.

7547. Were you not then a very popular man?—No.

7548. Were

7548. Were you not cheered?—No, I do not think I was the party who was cheered; the party were cheered, but I do not think I was.

7549. You wanted no protection from the mob?—None whatever.

7550. Are you aware that upon the Tuesday Colonel Higgins was struck in the street?—I am not aware of it.

7551. You busied yourself chiefly between the hustings, I suppose, and the hotel where the voters were?—A good deal.

7552. A great deal might transpire in the outskirts of the town without your being aware of it?—It is quite possible, but I was several times through the town, at the far end of the town, three or four times in the course of the day.

7553. With respect to this adjournment; you will not venture to say that the poll was adjourned on the Monday?—I repeat what I said, that I heard the deputy sheriff say he would adjourn it till the following morning, and I left the booth under the impression that it was to be adjourned.

7554. Is the gentleman you speak of Mr. Dominic Edward Blake?—I think it is.

7555. Do you know the man who voted just immediately before he tendered his vote?—No, I do not.

7556. Do you know it was a man of the name of David Conner?—No.

7557. Do you not know that Mr. Dominic Edward Blake did vote for Moore and Palmer on the Monday?—I do not know anything of the sort; I said I was not quite sure that he tendered his own vote; that I believed it was his own vote he tendered.

7558. At the time when the vote was tendered was not the deputy sheriff then actually discussing the question which the parties were arguing before him?—He said then he would adjourn it.

7559. Was not he actually discussing the question with the parties before him?—He was.

7560. Did you not say that you left the poll, and you do not know what was done?—I left the poll, the sheriff having said he would adjourn it till the next day.

7561. Did you, on the Wednesday morning, distribute some of those green placards about?—What green placards? I distributed no placards.

7562. Some of those; you saw them, I suppose?—When I see them I shall know them (*the placard was handed to the Witness*); I will tell you what I did; I gave them to two officers, to two gentlemen, who had seen them up, and looked upon them rather as a curiosity; I obtained two copies, and handed them to those gentlemen.

7563. Not for the purpose of distributing them to the public?—No.

7564. It was a very powerful manifesto that?—That is a matter of opinion.

7565. By the *Committee.*] You are a magistrate for Mayo?—Yes.

7566. Do you act for the town?—No, I did not act; I said I had no deputation; I did not.

7567. Do you consider that during an election your powers as a local magistrate are suspended?—That was my impression; I believe we were wrong; but that was the general impression. The question was asked the Government, and we were informed that locally we were not suspended; but that was the impression.

7568. Mr. *O'Malley.*] Mr. Jennings is a gentleman of the county, is he not?—I believe so.

7569. And a gentleman of property?—I do not know what his property is.

7570. You spoke about Mr. Courtney Kenney being excited, and you have given us a very good cause, I think; you have spoken of women and children; women are sometimes very dangerous in an Irish mob, are they not?—I believe so.

7571. Fonder of stones than sticks?—Yes.

7572. And on that account very much worse than the men themselves?—Well, I should say so.

7573. Can you describe to the Committee any more dangerous opponent, or any more dangerous mob surrounding you, than a mob of women led on by a priest?—If they were armed, I should say they were very dangerous.

7574. Or if they had stones?—Or if they had stones; that is what I mean by being armed; with stones.

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7575. With regard to what you call charging down, I suppose they did as dragoons do generally upon those occasions, they rode down?—They did.

7576. And their horses acted the part of peace officers, and very quietly cleared the town?—Yes.

7577. Did you see the military struck at all that day?—No.

7578. You did not see one?—No; I did not see any military struck.

Re-examined by Mr. *Karslake.*

7579. You have been asked whether you consider a mob of women led by a priest, and armed with stones, a dangerous mob; did you see a mob of women led by a priest, and armed with stones?—No.

7580. Mr. *O'Malley.*] Are you aware when the poll was adjourned what the state of the poll was?—No; I cannot say exactly.

7581. Mr. *Karslake.*] I think you said you did not see any mob of women led by a priest, and armed with stones?—No.

7582. Did you see any mob of women armed with stones?—No.

7583. Or led by a priest?—No.

7584. Did you see the women who did irritate Mr. Courtney Kenney?—Yes.

7585. Was the irritation caused by their tongue, or anything else?—By their tongue.

7586. And by nothing else?—Nothing else that I saw.

7587. As to the adjournment, was it after the discussion had taken place, and Mr. Sharkie had said he would adjourn the poll, that the vote was tendered?—Yes.

7588. And before you left the booth was that vote rejected?—Yes.

7589. As far as you saw, were the voters in Ballinrobe perfectly protected from the people in the streets by the escorts?—Perfectly.

7590. Was there any difficulty in any voter voting when he went up with the escort?—No; I should say not.

7591. My learned friend asked you whether the mob were under the command of a priest, and you said no?—No.

7592. I suppose the people were chiefly collected in the neighbourhood of the Court-house?—Principally there.

7593. And if any priest left the Court-house, was it necessary for him to pass through the crowd?—Yes.

7594. Did you hear any intimidation, or any language of an improper description used by the priest towards the mob?—No, I did not; I did not hear any address to them.

7595. Did you see anything done at all by the priests to excite the mob?—No, I saw nothing done.

7596. Had you an opportunity of seeing it if it had been done?—Yes.

7597. You say you saw Mr. Conway, and that Mr. Conway you consider as a man dangerous at the head of a mob; did you see him during the election do anything that was violent or intimidating?—No, I saw him do nothing,

7598. Then I suppose in electioneering you are anxious always to get the interest of any persons you can?—It is not an uncommon thing in electioneering.

7599. Do you find that in Ireland the peasantry especially have a great affection for the priests generally?—Generally.

7600. And that in consequence the recommendation of the priest is adopted at times by the voters?—Yes, I may say less perhaps this time than at any other election I ever remember; I think, the priests had less influence than they ever had before; I judge of it by the fact of tenants having gone so much with their landlords.

7601. Did you observe that throughout the county?—Yes, even in the case of absentee proprietors who were utterly unknown to their tenantry; the tenantry went with their landlord, and plumped for the unpopular candidate in many instances.

7602. By the *Committee.*] Were you in the Court-house when Mr. Conway's conduct was such as to induce the deputy-sheriff to send for the stipendiary magistrate?—Yes, I was in the Court-house.

7603. What

7603. What was his conduct at that time?—Mr. Conway was very troublesome, he would not keep quiet, he would argue with the sheriff, and made a great noise; in fact, was very much in the way.

7604. Did he interfere with the voting?—He did not interfere with the voters, but rather delayed the business, arguing with the deputy-sheriff, Mr. Sharkie.

7605. Mr. *Karslake.*] He chose to argue with the deputy-sheriff upon his duties?—He was advising him.

7606. By the *Committee.*] Was he in any position there to offer advice to the sheriff?—No, I do not think that he was.

7607. Mr. *Karslake.*] Mr. Sharkie, resenting this, threatened to commit him?—Yes.

7608. By the *Committee.*] Was that the occasion on which Mr. Conway was brought round to sit upon the bench?—Yes.

7609. Mr. *Karslake.*] Have you given us accurately the detail of what Mr. Conway was about upon that occasion?—Yes.

7610. Was he offering violence to anybody?—No.

7611. Or was he interfering in any way with the voters?—No, he was standing away from the voters.

7612. You say you canvassed Mr. Conway; you are aware he was a voter for Mayo?—No, I did not canvass Mr. Conway.

7613. By the *Committee.*] I think you said you went to Mr. Conway, to get his support?—I did not say I went to Mr. Conway; I said I accepted his support. I do not know that ever I asked him to vote for Mr. Palmer, but it was an understood thing.

7614. Did you see him in the committee-room?—No, I never saw him in the committee-room.

7615. Mr. *Karslake.*] With regard to Mr. Curley, I think you said you saw him at the nomination?—Yes.

7616. How long did the proceedings of the nomination last in the court-house?—I should say two hours or two hours and a half.

7617. Were you there during the whole time?—During the greatest part of it.

7618. Where was Mr. Curley when you saw him?—I believe he was in the gallery; to the best of my recollection I saw him in the gallery.

7619. And did you see him on the table at all?—No, I did not see him on the table; I have no recollection of that.

7620. Was there anything in Mr. Curley's conduct during that nomination that at all attracted your attention?—No, there was nothing.

7621. Were you in the gallery?—I was in the gallery.

7622. Were you in a position to have seen it, in case anything had occurred?—I think I should have seen it, if there had been anything.

7623. I suppose, as regards the troops, even if it is a question of doubt whether the voters will be molested or not, it is always the practice to have troops?—It is always with the unpopular party.

7624. You were asked as to a meeting which took place, of which you have no recollection?—I have no recollection.

7625. There was no formal meeting?—There was no formal meeting; I have a recollection of occasionally seeing them, but no formal meeting.

7626. I understand you to say that any advantage you could derive from any influence the priests had over the voters you had no objection to avail yourselves of?—No.

7627. Have you any recollection of any formal meeting with Colonel Knox?—No.

7628. I believe the meeting suggested took place at Castlebar; have you any recollection of it at all?—No, I cannot recollect being present at any such meeting.

7629. But, probably, you saw a good many of the priests?—Yes; I saw a good many.

7630. By the *Committee.*] You say you had no formal meeting, but you did come to an understanding with them?—Yes.

7631. Had you authority from Captain Palmer to do so?—I was acting as supporting Captain Palmer, and I had his authority, in fact, for communicating with Mr. Moore; getting him, in fact, any assistance or support I could.

7632. You were representing Captain Palmer?—I was acting for him.

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7633. And you considered Captain Palmer bound by what you said to the priests?—To a certain degree, I considered the arrangements I made with them to be with the knowledge of Captain Palmer and of his friend; I was bound to carry them out.

7634. You told us that you had communication with Mr. Moore?—Yes.

7635. Was it in consequence of that that you had communication with those priests?—As soon as I ascertained that Mr. Moore and his party would support Captain Palmer (Mr. Moore himself was then absent from the county), I communicated with them, the Roman-catholic priests.

7636. Does Captain Palmer reside in the county of Mayo?—No, not generally; occasionally.

7637. Do you think you were acting more for your party or for Captain Palmer upon that occasion?—I think I was acting more for Captain Palmer.

7638. Did you see Mr. Conway several times during the election?—No; I only saw him during the polling at Ballinrobe.

7639. On what day; every day?—I saw him every day.

7640. And always in the booth?—I saw him at Colonel Knox's house once.

7641. You did not see him in the street?—No, I did not see him in the street at all.

7642. Is he the priest of Ballinrobe?—He is the curate of Ballinrobe.

7643. Can you recollect the name of any other priest besides those you have mentioned with whom you had those communications about arrangements?—No, I do not recollect; I may have seen others.

7644. Was your party bound by what you did upon that occasion?—Well, I do not quite understand how far you mean.

7645. I understand you came to a place where you met some priests?—I said I had seen them; I do not remember any formal meeting. I saw them on several occasions. I conceived any arrangement entered into with them was for the gentlemen I was acting for, and they were bound by them.

7646. You say for the gentlemen; that is, for the party?—Yes, for the party.

[The Witness withdrew.

The Honourable *Jeffrey Brown* is called in; and, having been sworn, is Examined by Mr. *Karslake*, as follows:

Hon. *J. Brown.*

7647. I THINK you reside at Castle Magarrie?—Yes.

7648. In Mayo?—Yes.

7649. Have you considerable property in the neighbourhood of Claremorris?—A small property.

7650. Did you at the last election take an active part in the interest of Captain Palmer?—I did.

7651. And were you also interested, to a certain degree, for Mr. Moore?—Well, perhaps the Committee will allow me to state how that was; I was so far interested for Mr. Moore as it tended to assist Captain Palmer; and also to this extent, that the county has now for 20 years been represented by a candidate returned by the Roman-catholic clergy, with one exception, which was Mr. Moore. When he was first returned, he was returned by the gentlemen; since that he has been returned by the priests; we now had an opportunity, chiefly from the division in that party, of returning one gentleman for the county; and the party, the priests, offered us their assistance; and we thought of the two that Mr. Moore, by his position and connexion, was certainly by far the most eligible, for at the time that Colonel Higgins was first elected he had not an acre of land in the county, or any position to entitle him to represent it, as we thought.

7652. In the recent election you supported Captain Palmer, and you say to a certain extent, as you have described, Mr. Moore?—Yes.

7653. Having property in Claremorris your voters voted at Ballinrobe, I believe; your tenants?—Yes.

7654. Were you living in the county before and at the time of the election?—I was.

7655. Had you an opportunity of seeing the state of Mayo before the election generally?—Yes; I was there all through.

7656. In your opinion, with your observation before the election, was there any unusual

unusual state of excitement whatever in the county?—No, a very unusual state of quiet for Mayo; there always is a great deal of excitement; I speak comparatively, that is, for an election.

7657. Have you often attended elections in Mayo?—I have been at a great many; three or four I think.

7658. Drawing a comparison between elections at which you have attended before and this election, would you say this was quieter or not?—This was an election, I should say, perfectly apart in every respect, it was so very much quieter, perfectly different.

7659. You say it was a much quieter election throughout than the other elections at which you have attended?—Very much so; the first election that I took the most active part in for Mr. Moore, I can tell the Committee that at that there were two people shot, and I myself was driven away by a mob bringing in three or four voters, and my bailiff, who was with me, was so beaten that he did not rise from his bed for three months.

7660. At all events this was a much quieter election than the others you have seen in the county?—Very much quieter.

7661. Did you go to Ballinrobe in the course of the election?—Yes, I was there from the first day of the poll, till the poll was closed.

7662. At what time on the Monday did you get to Ballinrobe?—I think I was there about half-past seven in the morning.

7663. Half-past seven was before the poll opened?—Before the poll opened.

7664. By the *Committee.*] Do you mean those men were shot by the mob, or by soldiers?—They were shot by the soldiers.

7665. Mr. *Karslake.*] What was the state of Ballinrobe, at the time you went in?—It was perfectly quiet at the time, no excitement at all at that time in the morning.

7666. No excitement at all?—No excitement at that time in the morning.

7667. At half-past seven, you say you entered Ballinrobe?—Yes.

7668. At that time there was no excitement whatever?—None.

7669. Was there no crowd whatever?—At that time the crowd was small.

7670. Where did you come from?—I came from the neighbourhood of Claremorris, from Ballindine.

7671. The poll opened at eight o'clock, I believe?—Soon after.

7672. Were you in and about the town the whole day?—I was.

7673. Where were you principally; at the booth?—Principally at the booth; backwards and forwards; the Claremorris booth principally.

7674. As far as the booth was concerned, did the polling go on quietly at the booth?—Oh! perfectly quietly.

7675. Were you outside the booth from time to time?—I was there all the day, in and out.

7676. What was the demeanour of the crowd outside the booth?—There was a violent hooting and shouting by the mob there all day; there was no violence. I did not hear during the two days of any person being hurt or injured.

7677. That is rather a new phase of things at Ballinrobe, is not it?—I never was at Ballinrobe before; the elections I have taken part in have been at Castlebar; the polling-places have been divided since.

7678. Did you stay in the town that night?—Yes, I slept at Colonel Knox's.

7679. How late were you in the streets before you went to Colonel Knox's?—It was about the middle of the day, on Monday; and after luncheon, I was coming out with Colonel Knox from his house, coming towards the polling-booth, and I saw the dragoons with drawn swords, and the infantry with bayonets fixed, charging up the street, and I went to see what the cause of their doing so was; and I went to the magistrate, who I afterwards ascertained to be Mr. Sheill, and I asked him why he was clearing the streets, as I saw no riot of any sort; I asked why he did so, and he told me that he received the orders of the sheriff, and of course obeyed them; and I said, "Do you think there is any necessity?" he said, "I see no necessity, but I am ordered to do it."

Mr. *O'Malley* objected to the Witness detailing the conversation that passed between himself and Mr. Sheill.

Mr. *Karslake* was heard in answer to the objection.

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Mr. *O'Malley* was heard to reply.

The *Committee* decided that the question and answer objected to should remain as it stood upon the Minutes.

7680. Mr. *Karslake.*] Did he say anything further; did anything further pass at the same conversation between you and Mr. Sheill, the magistrate?—

Mr. *O'Malley* objected to the Witness answering the question.

Mr. *Karslake* was heard in answer to the objection.

Witness.] The sub-sheriff was in the town; he might have been the person referred to.

7681. *Committee.*] Is the sub-sheriff and the deputy-sheriff the same man?—No.

7682. Who did he mean?—I really do not know which he meant.

7683. Mr. *Karslake.*] Who is the sub-sheriff?—Mr. Routledge.

7684. Was he in the town?—He was in the town.

7685. *Committee.*] We have had Mr. Routledge mentioned before; is that the same man?—No, he is a different person.

7686. What is the duty of the sub-sheriff?—

Mr. *Karslake.*] He is the representative of the sheriff at Ballinrobe.

Committee.] Has the high sheriff a representative at each of the polling places?

Mr. *Buchanan.*] No, the sub-sheriff of the county acts for the sheriff; he executes all writs, and signs his name to dockets.

Committee.] Is there more than one sub-sheriff in the county?

Mr. *Buchanan.*] No, there is only one.

7687. Mr. *Karslake.*] You say that Mr. Sheill said that it was the sheriff, as I understood you, that had ordered him?—Yes.

7688. Now, at the time that he said this, had you observed the demeanour of the persons; had you observed the state of the persons whom the dragoons were charging?—It was market-day; the town was extremely full; and whenever anyone appeared who was unpopular, they hooted and shouted at them; but I saw no act of violence, although I was there all day.

7689. Now you are a magistrate yourself, I believe?—Yes.

7690. From what you saw, was there anything in the conduct of the people to justify the charge that was being made upon them?—Am I to state anything further with regard to that?

7691. *Committee.*] Some act might have occurred at a long distance from you which caused the cavalry to charge, and the mob naturally would have run away from the troops, and come up to you; but did anything occur in your presence to justify the charge; could anything have occurred away from you to justify the charge?—Nothing at all; when I made this remonstrance the troops were halted; I went with the officer in command, and Mr. Sheill, to the deputy sheriff, who had closed the court for an hour.

7692. Do you know that?—I know that; I went with them.

7693. Mr. *O'Malley.*] Were you there when the deputy sheriff closed it?—At this time I am speaking of ——

7694. Were you there at the time he closed it?—I was not there when he closed it.

7695. Mr. *Karslake.*] Now, I understand that upon your making this remonstrance to Mr. Sheill the troops were halted?—The troops were halted.

7696. Did you go in company with Mr. Sheill to the sub-sheriff or to the deputy sheriff?—To the deputy sheriff.

7697. Mr. Sharkie, where did you go to look for him?—We went into the court.

7698. You stated that the court was adjourned; what was Mr. Sharkie doing; in what state was the court at the time that you went to him?—The way that I knew that the court was adjourned——

7699. State

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7699. State to the Committee what the state of the court was at the time that you went there?—You know the voters were only polled from time to time, so that I cannot state of my own knowledge; I did not see that the court was closed; I know of my own knowledge that Mr. Sheill went and told the sheriff that he could reopen the court; and he could not have done that unless it had been closed.

7700. Did you go with him?—I did.

7701. *Committee.*] With whom?—With Mr. Sheill and the officer in command, Major Hume.

7702. Mr. *Karslake.*] Now then, having told us what you did upon your making that remonstrance to Mr. Sheill, I propose to ask you, what further Mr. Sheill said before you went away with him to Mr. Sharkie?——

Mr. *O'Malley* objected to the question.

7703. Mr. *Karslake.*] I ask you what further statement Mr. Sheill made at the moment that the troops were halted, when you went off together to Mr. Sharkie?——

Mr. *O'Malley* objected to the question.

7704. Mr. *Karslake.*] Now before the troops had halted, when you say you spoke to Mr. Sheill about there being no necessity for the charge, what further took place as to his own views or as to charging the crowd?—I asked Mr. Sheill, I saw he was a stipendiary magistrate, as he was a stranger to the county, if he had been at other elections, and if he saw any necessity for the charge; and he said no, he saw none, but that he must do what he was desired.

7705. Was it upon that that the troops were halted, and that you went off with him to the court-house?—He immediately halted the troops, and went with me to the court-house.

7706. I want to know before you saw the troops charging how long had you been in the streets to see the conduct of the people who were near you?—At that time I had been absent for half an hour.

7707. You had come out of Colonel Knox's house?—Yes.

7708. Did you see the charge take place immediately?—I saw the troops charging at foot's pace coming up, clearing the pathways and all.

7709. At that time?—Yes.

7710. Now then, as regards the demeanour of the persons near you at the time, what was their demeanour?—At that moment I do not think they were; but all through the day they were hooting and shouting at any unpopular person.

7711. Did you see any act of violence committed during the day by the people who were hooting and shouting?—None.

7712. *Committee.*] You say "the troops charging at foot's pace," I do not think that is quite understood; a charge of cavalry at foot's pace; you mean I suppose that they were advancing quietly to clear the streets?—Yes; "charging" was an improper word; they had drawn their swords and were fixing their bayonets.

7713. Mr. *Karslake.*] Did the people retreat before them?—Yes; it was market-day.

7714. Is the market carried on in the town there?—Yes.

7715. In the middle of the street?—In the middle of the street.

7716. Now after you went to the booth in the way which you have described, how long were you there with Mr. Sheill?—Very few minutes; the booth was opened again directly.

7717. After you had had this conversation with Mr. Sharkie, what passed about opening the booth again; what was done?—The sheriff said on the statement of Mr. Sheill, "Very well, then the polling can go on," and he went on with the poll.

7718. This was on the Monday?—Yes.

7719. *Committee.*] By the sheriff you mean Mr. Sharkie?—Mr. Sharkie.

7720. Mr. *Karslake.*] Now I do not know whether you told us before how late you were about the streets on the Monday in the town?—I do not think there was much polling after that.

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7721. What was the state of the town when you passed through it to Colonel Knox's house after the polling was over?—There was still a good many people about and round Colonel Higgins's hotel; there was a great deal of hooting and shouting.

7722. Now, was that all that you observed in the shape of excitement in the town?—That was the whole of the excitement during the election, at least during the time that I was there, and I heard of no other.

7723. Now we will go to the Tuesday; now you stayed at Colonel Knox's house on the Monday evening?—Yes.

7724. Now, on the Tuesday, you say that you went to the booth again, I think?—Yes.

7725. At what time was that?—Well, just before the polling opened, I think, or about that time.

7726. In what state was the town on the Tuesday morning?—The town was comparatively empty for an election.

7727. Were the market people no longer there?—The market people were no longer there; there were a few people hooting and shouting, the same as before, but a very small number comparatively.

7728. A good deal of the excitement that there was had gone by?—There were fewer people there; I suppose those that were there were in the same state.

7729. Well, did you go to the booth?—To the Claremorris booth.

7730. How long were you there?—I was in and out all the day.

7731. You were constantly passing and repassing through the streets, when you say that you were in and out?—Yes.

7732. Now did you, during that day, see any violence; did you see any violent conduct on the part of the crowd?—None at all.

7733. Had you every opportunity of seeing it, supposing there had been any?—Certainly I must have seen it; there was that same violence, that hooting and shouting whenever unpopular voters came and went to the poll, but there was no violence.

7734. Were you present at the adjournment of the poll?—No.

7735. Did you hear of it?—Yes.

7736. Had you before that time, personally, seen anything which attracted your attention?—I saw Mr. Kenny clearing the streets, Mr. Courtenay Kenny clearing the streets in the same way.

7737. In the same way?—Yes, in the same way.

7738. Did you see the commencement of that operation?—No.

7739. You did not?—No.

7740. How far down the street did he go clearing the street; how many yards?—I first spoke to him, and he said he knew his duty, and he would go, and he went on. I then went to Mr. Sharkie, who certainly assumed more authority there than he seems to say he had any right here from what the Committee say, for I applied to him to remove Mr. Courtenay Kenny as being a partisan of Colonel Higgins, and not being the person in command of the troops. Colonel Higgins was in the booth, and stated that he had been insulted. I said, really I was very glad to see that he did not seem hurt, and merely because they shouted and halloed I did not see reason for clearing the streets.

7741. You saw him not acting after that?—I do not know that he continued at that time; I do not know when he ceased.

7742. Was there anything so far as you saw; you say that you did not see the commencement of it, but as far as you saw, was there anything to call for that interference on the part of Mr. Courtenay Kenny and the military?—Nothing; it seemed to me that it was done merely to excite the people for the purposes of petition. I thought so at the time.

7743. And had it that appearance?—It had that appearance. I thought that it was done for the purposes of petition; making an appearance for violence which did not exist.

6744. And you say that that was the impression produced upon your mind at the time?—That was the impression produced upon my mind at the time; I may state, so much so, that there was talk of arresting Mr. Conway, and we thought that it would be for the very purpose of creating a riot.

7745. Was

7745. Was that on this very same day, Tuesday?—Yes.

7746. Did you make a recommendation to Mr. Conway with reference to that?—Not to Mr. Conway himself; but I went to Castlebar this very evening to get some one who had influence with him to recommend him to stay away from the town, because his being arrested was likely to give an excuse for petition; whereas we believed that up to that time there could be no excuse.

7747. Do you know that Mr. Conway acted upon the advice which was given him?—I believe he did; I did not see him after.

7748. At all events, the arrest of Mr. Conway did not take place?—No.

7749. Now that was on the Tuesday; did you know of the adjournment of the poll on the Tuesday?—Yes, I did.

7750. Did the adjournment of the poll take place just about the same time that the streets were being cleared, in the way that you have described, by Mr. Courtenay Kenny?—I think about an hour afterwards.

7751. Now, then, had you been in the streets between the time when you saw the people being cleared from the streets, and the time when the poll was adjourned?—Yes, I was constantly there.

7752. Now what was the demeanour of the crowd between that time?—Perfectly quiet; not the slightest disturbance whatsoever; the excitement was over. We thought Mr. Palmer and Mr. Moore were returned, and the crowd were almost indifferent.

7753. Now, how late were you about on the Tuesday evening?—I went into Castlebar directly after the adjournment of the poll, to represent it.

7754. And you came back again?—Yes, late at night.

7755. About what time time did you come back?—About one o'clock, I think.

7756. Did you drive through the streets of Ballinrobe?—Yes.

7757. In what state were the streets?—I do not think there was a soul in them; two or three people.

7758. Did you remain in Ballinrobe through the Wednesday?—Till after the close of the poll, about one or two o'clock.

7759. The poll was not closed till four o'clock, I believe; the voting was very slack indeed on the Wednesday?—Hardly 20 voters.

7760. Was there any riot or disturbance whatever on the Wednesday?—None at all; there was not even a shout on that day. I saw Colonel Higgins and the sub-sheriff drive out without there being a remark; not a shout of approbation or disapprobation; taken no notice of.

7761. That was on the Wednesday?—On the Wednesday.

7762. Had they any escort?—No.

7763. They drove out in an open phaeton?—They drove out in an open phaeton.

7664. You, I think, returned with Sir Robert Bloss?—Yes.

7765. Now you say that this was the state of the town on the Wednesday; was there any riot or any tumultuous assemblies going on outside the town on your way home?—None at all, the people were all at their work.

7766. Did you, on your way home, overtake Mr. Isidore Burke and Mr. Walter Burke, with an escort?—Yes.

7767. About how far out?—About a mile or two.

7768. Did you see any necessity for an escort for those gentlemen?—I would not undertake to say that; it is disagreeable where you are unpopular and travelling home from an election without an escort.

7769. How far out of the town did the officer halt his troops and leave?—About four or five miles, I think.

7770. In the course of the time that you were there, did you see Colonel Higgins's supporters in the streets at times?—Yes, I saw some of his most prominent supporters.

7771. Did you see any attempt to molest or interfere with them?—The first day some of them would have been interfered with, no doubt.

7772. But for the escort?—Yes, the first day; but the second day they were dawdling about; his agent, Mr. Griffin, and Mr. Pugh, a Roman-catholic clergyman, who was a most active supporter of his; I did not know him till I came to speak to him. I said, "I am glad to see you, because I know there will be no irritation from anybody against you; and in case of a petition I can say how quietly you are walking about the town."

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7773. *Committee.*] What time was that?—On Tuesday; about the middle of Tuesday.

7774. Mr. *Karslake.*] Before the poll was closed?—Yes.

7775. On the Tuesday before the poll was closed?—Yes; I saw Mr. Tighe, and several others.

7776. Supporters of Colonel Higgins?—Yes.

7777. On the Tuesday, were they walking about the streets in the ordinary way or under escort?—They were walking about in the ordinary way.

7778. Who was Mr. Pugh, that you have mentioned?—He was only pointed out to me for the first time then; I believe he is parish priest of Shrule.

7779. Did you see Mr. Pugh at the election in the booths?—I never knew him before by name; I only saw him on that occasion.

7780. Did you see him with voters at all?—No, I did not.

7781. Now, was your conduct at all directed to the deputy-sheriff, Mr. Jennings, on either of the days?—Yes.

7782. On which of the days was your attention first directed to his conduct?—Well, both days; we knew that he was a supporter of Colonel Higgins, and of course we were anxious to watch what he did.

7783. What was his conduct in the booth to your observation?—Well, one or two voters I saw him object to without any possible reason. There was one he put the two questions to, "Are you the person mentioned in this list?" and the man said, "I am;" and he asked him the second question, "Have you voted before at this election?" and he said, "I am," again, thinking the same question was repeated, at least so he himself, the voter, explained it.

7784. Did he explain that to the sheriff?—Yes, and the sheriff refused to poll his vote at all, though I asked him to refer to his own book to see.

7785. Mr. *O'Malley.*] What is the name of the man?—Well, I cannot tell you.

7786. Mr. *Karslake.*] You say that you heard this take place?—I did. I went up with the man; it was on the Tuesday, and the polling was slack at the time, and so there was no hurry or anything.

7787. You say that you referred the sheriff to what?—To his own book, to see whether he had voted or not.

7788. And he had not?—He had not.

7789. Were there other things besides that which attracted your attention there?—Well, he refused one man's vote, because he pronounced Mr. Palmer's name: called it "Paulmer," or "Pal-mer;" and he said there was no such candidate, and he refused to enter his vote at all.

7790. He did not like the pronunciation?—He did not like the pronunciation.

7791. Had you known Mr. Jennings before?—I had just known him.

7792. Did you know of his acting for Mr. Higgins at this election?—I knew that his name was on his committee.

7793. You knew that at the time that you observed this?—Yes, we went through the deputy-sheriffs, to see who they were as soon as the lists came out.

7794. Did you find that the largest number of them were persons who were on the committee?—Yes, a great many.

7795. Now you say that you saw no violent conduct whatever on the part of the crowd towards voters, although there was hooting and shouting?—No violent conduct; they were escorted, the voters.

7796. There were no acts of violence?—No acts of violence; I saw none.

7797. Did you see any acts of violence on the other side, on the part of Mr. Higgins's supporters?—I saw Mr. Isidore Burke, the Colonel's solicitor, push a man off the pavement into the street. I remonstrated with him; I said he would excite the people to violence if he was so violent himself.

7798. Who was Mr. Tigh that you mentioned?—The Mr. Tigh I mentioned was a shopkeeper of Claremorris.

7799. Was he a supporter of Colonel Higgins?—Yes.

7800. Did you see him walking about unmolested?—Yes.

7801. Now I think you said that there was less excitement at this election than usual?—Far less.

7802. According to your experience at this election, did the voters in most instances follow their landlords?—Almost exclusively; in a way that we unfortunately have not seen them do at many elections, for I have never had the good or bad fortune, whichever it was, to be on the popular side before.

7803. Was

7803. Was it the fact, that on both sides throughout the county, voters did follow their landlords?—I can give you an instance, which I think will show it. There is a very——Must I state nothing but what I know of my own knowledge?

7804. Mr. *O'Malley.*] Yes.—In our own barony I went through that previous to the election with our agents, and with Sir Robert Bloss and other gentlemen who knew the barony, and we gave Colonel Higgins credit for the support of every voter whose landlord supported him. We went through it afterwards, and ascertained that he polled at least one vote of, I think, every man; at least one vote. There were a few instances only in which one vote was given for Mr. Moore, whereas the usual case is that landlords are very glad to get one vote, and the tenant gives the other vote to what he calls the country; that is, to the priest, in fact.

7805. Mr. *Karslake.*] They usually give one to the landlord and one to the country, and in the case that came under your own notice there were a great many persons who plumped for Colonel Higgins?—Yes; plumped for Colonel Higgins.

7806. Following their landlord in so doing?—Following their landlord.

Cross-examined by Mr. *O'Malley.*

7807. How many votes do you give him credit for in that remark?—I have not the list with me.

7808. About how many?—Show me what were polled.

7809. I will not show you at all; about how many do you give him credit for?—I have not the list.

7810. How many have you given him credit for; what you have given him credit for was quite independent of the other?—I cannot speak off book.

7811. Whether it was 100, 200, or 300 you cannot tell?—If you give me the list of the barony I can tell you; everybody has not the power of carrying figures in their head.

7812. You were speaking very largely for the state of the county; you say that it was in an unusual state of quiet?—Yes.

7813. Now, were the priests unusually quiet on that occasion?—Well, I think so; I was surprised at their being so quiet; I may give you an instance of it that came under my own knowledge.

7814. I do not want the instance, I want just to know; you were surprised, you say, at their being so quiet?—Yes.

7815. Did you hear of any altar denunciations?—Well, they always take place, at least I always hear of them. I do not hear of them of my own knowledge, for I am not a Roman-catholic.

7816. I suppose it is strong language that would satisfy you. Suppose a priest at the altar says, "As to Higgins, he is a most consummate scoundrel; he has deceived you in every point; every promise he made to you at the last election he has broken; he has sold his country, his body, his soul; yet he has now the presumption to come and ask you for your support; but believe me that the curse of God will follow every man who gives it to him." Do you think that that is in comparison mild?—It is polite language, but it is commonly used by those gentlemen.

7817. When you speak of its being unusually quiet you ——?—I am speaking of the results.

7818. Did you, when you said there was an unusual quiet through the county, take into consideration such polite statements as these?—I took into consideration that those statements generally result in extreme violence, whereas, for some reason, this time the priests seemed to have lost their influence.

7819. But priests using various expressions of that sort, you think, indicate the prelude of a calm instead of a storm?—It did not in this instance, and I hope it will continue in the same way.

7820. We will come to that by and by. In the town of Ballinrobe, about which you speak so much, we have had other gentlemen from the county examined here; do you mean to say that there was not a very large and very violent mob in that town?—Of course there was on the market-day, on Monday.

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7821. And on Tuesday?—No.

7822. No part of Tuesday?—I said there was a comparatively very small number of people to what there had been on the Monday, and very little violence

7823 Was there not a large mob on the Tuesday?—I dare say 200 people.

7824. Were there not more?—I should think not.

7825. Were there not 1,000?—I should think not.

7826. Will you venture to say that there were not 1,000 people parading up and down the streets on the Tuesday?—To the best of my opinion there was no such number.

7827. Were there priests there?—Yes.

7828. Parading up and down?—I think I saw; they were about the polling places, taking an active part.

7829. With the mob; were they not with the mob?—I did not see them exciting the mob.

7830. I am not asking you exciting the mob; but were they not parading up and down the streets?—I did not see them.

7831. Were they walking up and down?—No.

7832. Do you mean to say that you did not see the priests parading up and down the streets with the mob?—I did on the Monday, but not on the Tuesday.

7833. Did you not on the Tuesday?—No.

7834. Any priests?—I saw no priest on the Tuesday going about the town with a mob at all, except Father Peter Conway; and when he is moving about there is always a lot of Ballinrobe scoundrels after him.

7835. The bullies of Ballinrobe are his body guard?—Well, I dare say.

7836. And were upon that occasion?—I did not see him followed by a mob at all.

7837. But, except Peter Conway, you saw no priest followed by a mob?—On the Tuesday I did not see it at all.

7838. He had these people as a body guard?—On Monday, not on Tuesday.

7839. Very disagreeable people?—Very disagreeable customers; but they are the people; they are very disagreeable customers when you are unpopular.

7840. This mob, you say, were very noisy?—On Monday.

7841. Do you not think that the military were necessary for the protection of Colonel Higgins's voters on the Monday?—Certainly; and on the Tuesday probably, because there would have been a larger mob if there had been no military.

7842. And more violence?—Undoubtedly.

7843. And the quietude of the place arose from the military and the police?—Certainly, so far as Colonel Higgins's voters were concerned.

7844. As to the rest they were perfectly quiet?—Oh, yes.

7845. You had, for once in your life, got the tide with you?—I was not very proud of it.

7846. Yet you were rather happy?—It was more comfortable, certainly.

7847. You felt that those who had been the arbiters of the elections for a great many years were now on your side?—Yes, I was very much surprised at the little assistance they gave us.

7848. Were you there when the green placard was distributed?—Yes, a very pretty one.

7849. And it cleared the town pretty well?—No, I do not think it needed that; there was no mob in the town on Tuesday.

7850. It was not needed?—No, it was not needed.

7851. You do not think it was?—No; the town was so quiet on the Tuesday.

7852. However, it was after that you saw Colonel Higgins moving off without an escort?—Yes.

7853. Now you have told us about a gentleman of the name of Isidore Burke; do you not know that at that very moment he was struck by a sod of turf?—He could not have been, for I was standing close by him.

7854. Was he not, just as you were coming up, struck by a sod of turf?—Mr. Burke was as there (*pointing*), and I was here. There were a great many people;

people; it was on the Monday, and I would not say it is impossible, but I think it is almost impossible that I should not have seen it, and I did not see it.

7855. Was not Mr. Griffin struck?—I did not see it.

7856. Will you undertake to say that he was not?—I will not undertake to say in a large mob what happens.

7857. Now who was this voter, that you say was walking about unprotected, of Colonel Higgins's?—I said Mr. Tigh of Claremorris.

7858. At what time was it?—I think it was in the middle of Tuesday.

7859. Where was he walking?—About the town.

7860. Whereabouts?—Ballinrobe.

7861. Whereabouts?—Near the polling-place, within a few doors between that and his brother's.

7862. Do you not know that he voted for Mr. Moore?—Yes, but he voted for Colonel Higgins too; he was a supporter of Colonel Higgins.

7863. But he voted for Mr. Moore, did he not?—I believe he did.

7864. Well now, I see from your evidence, that it was towards the end of Tuesday that the shadow of a petition began to float before your eyes?—Oh no, we thought it always a possibility.

7865. When did you begin to think it a possibility?—There always is a petition in Mayo.

7866. What was the petition for, that you anticipated?—I did not know; I thought they would make out any case they could; strong swearing does a great deal.

7867. But you began to antcipate a petition towards the end of Tuesday, and you rejoiced to see Mr. Pugh walking about?—I liked to have some good evidence that there was no riot at the time we met; there was not one single person hurt in all Ballinrobe during the election; not so much as a head broken.

7868. Do you mean to say, Mr. Brown, upon your oath, that there was no man hurt during the election in the town of Ballinrobe?—I only swear that I never heard of it or saw it.

7869. It is an incautious thing for a man to swear to things that he does not know.—I swear that I never saw anybody hurt and never heard of anybody being hurt.

7870. You did not so qualify your answer?—I think I did.

7871. You are incautious?—I do not think so.

7872. Now you told us that you advised Peter Conway to leave the town in order to avoid arrest?—No, I beg pardon; I did not see Mr. Conway about it at all.

7873. But you went to Castlebar to get some influential friend to go to him?—To see what was advisable to be done.

7874. He was too much for you, I suppose?—I really had very little to say to him.

7875. Now have you ever been assaulted by him yourself?—No.

7876. Is not that so?—No.

7877. But assaulted by a mob?—Yes.

7878. Under his control?—No, where we were hooted by a mob; I have no doubt he sympathised with them.

Re-examined by Mr. *Karslake.*

7879. That was not at this election?—No, not at this election.

7880. I need hardly ask you, do you find in Ireland, especially with the lower orders, that the priests have very considerable influence; that they are much beloved by them?—They have considerable influence, I am sorry to say.

7881. Now did you see Father Conway in the street doing or committing any act of violence through the election?—No.

7882. Or any other priests?—No.

7883. The great bulk of the crowd, such as was there, was outside the Court-house?—Yes, up and down the street, chiefly opposite the Court-house.

7884. And as every priest, or every person, left the Court-house, they would necessarily have to force their way through the crowd?—Yes.

7885. *Committee.*] Did the priests take any prominent part, to your mind, with the mob?—They were taking an active part; a very active part.

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7886. Not merely a passive?—Oh, dear, no; they were taking a very active part, no doubt, in Mr. Moore's favour.

7887. With the mob?—Oh, yes, they always like to influence; to bring the non-voters to influence the voters.

7888. The priests were among the people; you were asked the question, did they pass through the mob; did they merely pass through, as any other man would, or from what you saw, were they taking a lead in any way?—I think they seemed to me attending to bringing up freeholders, and bringing them up.

7889. In what way did they do that; it was no part of their duty?—It is a duty that they always fulfil.

7890. In what way did they perform that duty?—Through the different houses where the voters were.

7891. But in the streets?—They accompanied them through the streets to the poll.

7892. Did they lead them?—No more leading than I should in going up with them; they used no force or violence of any kind whatever; in fact, the people are generally too glad to go with the priests and the mob.

7893. Mr. *Karslake.*] The mob outside the Court-house, as a matter of course, everybody who came out, had to go through the mob to a certain extent in order to pass through?—Yes.

7894. Were the voters in the different interests in the town staying in the hotels in the town?—Yes.

7895. Did you see the priests doing anything to induce the mob to follow them or commit acts of violence?—No.

7896. Of course a priest, from his garb, is always more or less a marked man?—Yes.

7897. Was there any act of intimidation on their part in bringing up voters?—None that I saw at all.

7898. Did they act in doing that in any other way than you, as a voter and landlord, would have done yourself?—Not to my knowledge.

7899. *Committee.*] Are the priests usually electors?—Usually so.

7900. Is that by right of office?—No; by holding land; by being rated.

7901. I suppose you know nothing of your own knowledge of denunciations from the altar?—No, I am a Protestant; I do not know it.

7902. Mr. *Karslake.*] How far do you live from Ballinrobe?—Nine miles.

7903. Now my friend gave you a lecture; as far as you heard and saw, there was no one injured during the election?—I did not say that of Ballinrobe; there was one man.

7904. Did you happen to know one Peter Commens?—Yes.

7905. Did you happen to see him in Claremorris on Sunday?—I went into Claremorris just after the escort had gone out with Colonel Higgins's freeholders, and I saw just as I came into the town Peter Commens walking away; I saw him between two policemen, who were taking care of him; he was going round the town to avoid the mob apparently.

7906. Walking?—Yes.

7907. Without assistance?—Without assistance; I saw him a few days afterwards; he had a bad blow on the head.

7908. *Committee.*] Was this on the Sunday?—Yes.

7909. Mr. *Karslake.*] Were you sufficiently near Mr. Burke at the time you spoke to him to see whether he had been assaulted at that moment?—There was a large mob and crowd, and Mr. Burke did this; the police were by, and it was at the door of one of the booths; it was a part of some tussle, I believe; he gave a violent push and pushed the man over.

7910. You said that the priests were at this election unusually quiet?—In the results; they seemed to have lost their influence, either through division or some other reason.

7911. It seemed less than on ordinary occasions?—Certainly.

7912. You say that on some occasions the influence of the priests, taken up very unfortunately on one side or the other, preluded the storm: did you find that those acts of violence that had occurred, occurred at all at this election?—Certainly not to my knowledge, nor did I hear of it; this case of Peter Commens having his head broken was the only case I heard of at the election.

7913. You said that you saw Mr. Conway's placard?—Yes.

7914. You

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7914. You did not give much weight to it in any way?—I did not think it was necessary at all; I think it was merely an affectation of it.

7915. Do you recollect when you first saw it?—I saw it on the Wednesday morning.

7916. The polling had been adjourned before two o'clock on the Tuesday?—I do not know exactly the hour.

7917. You recollect that it was adjourned?—Yes, later than that I think; a little later.

7918. On the Tuesday afternoon, had the excitement vanished to a great extent?—There was very little excitement; I never saw less at an election.

7919. Did you happen to see this placard about at the same time that you saw Mr. Conway's; do you recollect (*showing a placard to the Witness*)?—No, I never saw it.

7920. You do not think you did?—I think I saw it among other placards; there were a great many about; Mr. Conway's was rather remarkable.

7921. Did you see that up?—I do not remember it.

7922. Do you not recollect the words, "St. Patrick; happy homes"?—I do not remember it.

Mr. *Karslake* stated that he understood that Colonel Knox wished to make an explanation to the Committee.

Colonel *Knox*, re-called; and further Examined by Mr. *Karslake*.

Colonel *Knox*.

7923. You have some statement to make?—I wish to rectify a mistake I made. I stated that Sir Richard Bloss was one of the party in the hotel. I named Lord John Brown, and Sir Robert Bloss, and Mr. Jeffrey Brown.

7924. *Committee.*] Who met the three priests?—Yes.

7925. Mr. *O'Malley.*] Is this in consequence of communication with Sir Robert Bloss since you went out?—Yes.

7926. Did you not speak to him upon the subject?—Yes.

Mr. *O'Malley.*] Then I object to it.

7927. *Chairman.*] Have you seen him since your examination?—Yes; I said I had made a mistake on it.

7928. It is very particular that we should know exactly what the conversation was?—I began the conversation clearly.

7929. Mr. *Karslake.*] I am most willing that you should state the whole conversation.—I began the conversation.

7930. *Chairman.*] You said that Sir Robert Bloss was at that meeting; do you say now that he was not at that meeting?—Yes; my impression is that he was not at that meeting.

Mr. *James Jordan*, called in, sworn, and Examined by Mr. *Buchanan*, as follows:—

Mr. *J. Jordan.*

7931. WHERE do you live?—In the county of Mayo.

7932. What is the name of your place?—Bushfield.

7933. I believe you are a Roman-catholic?—Yes.

7934. What barony?—Barony of Gallan.

7935. Did you take any part in the last election?—I did.

7936. You are a private gentleman, I believe?—I live upon my own property, and I farm besides.

7937. You reside on your own estate, I believe?—I do.

7938. Did you act for Captain Palmer at the last election?—I did.

7939. Were you a paid agent of Captain Palmer?—No; I was asked to be a paid agent, and I refused.

7940. Do you know Bohola?—I do.

7941. Is that near your residence?—It is within three miles of it, I should say; three or three and a half miles.

7942. Do you remember being at the chapel of Bohola on the 29th March last?—I do.

7943. Who officiated that day; what gentleman?—Mr. Halligan.

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7944. Did you see Mr. Bernard M'Manus there?—Yes; mass was nearly over when he came there.

7945. When he came in?—Yes.

7946. Did you see him in the chapel?—I did.

7947. Did the Rev. Mr. Halligan make any observation to the congregation after mass?—He did.

7948. Can you recollect what he said?—I can recollect the substance of it; almost the words.

7949. Give it us as near as you can recollect it?—He addressed the flock or congregation after mass, and stated he believed they were aware there was to be an election immediately, and that he wished to say a few words to them relating to the election; relative to the election. He then stated, that there were three candidates who were offering themselves for the county; they were Mr. Palmer, Mr. Moore, and Colonel Higgins. He then stated that he thought he was bound to offer the people his advice; and that was, to give their support to Mr. Moore and Captain Palmer; that they had supported Colonel Higgins on two former occasions, and that the clergy were dissatisfied with him; and, therefore, they were determined now not to give him any further support. He than stated, that he had no interest in the election, save all he had for the benefit of the people themselves; and that they might judge for themselves, and vote for those that they recommended.

7950. Did he say anything about tenant-right?—He did; he said Mr. Moore and Palmer would be anxious to get for the people a tenant-right Bill.

7951. Did he speak very violently, or in what way?—No; I do not think he is capable of speaking violently.

7952. You do not think he is capable of speaking violently?—No; I think he is one of the mildest men in the church.

7953. After he addressed the people, did you see Mr. M'Manus do, or did you hear him say anything?—I did.

7954. Be good enough to mention to the Committee what occurred?—I saw Mr. M'Manus stand up to address, or rather turn round to address the people; and Mr. Halligan stated to him, that that was not the place for him to address them; that he might address them outside if he liked; but that no one was privileged to speak in the church but a clergyman.

7955. Did Mr. M'Manus continue to speak?—He asked the parish priest then ——

7956. Who is that?—Mr. M'Nicholas.

7957. What did he say to him?—He asked him permission to speak to the people. He said he should not let him interfere; he should not let any one address the people.

7958. From the altar?—From the altar.

7959. Did Mr. M' Manus continue, or did he go out?—Mr. M'Nicholas went out; Mr. M'Manus followed, and I went out.

7960. To the chapel yard?—To the chapel yard.

7961. Now, before I go any further, is it an unusual thing for a Roman-catholic clergyman to address his flock after mass?—No; it is very customary.

7962. Is it customary for him to address them on other subjects than religious subjects?—It is customary for them to address them on everything that they think affects the people, that may be useful to them. I have frequently heard them, and it is always the custom.

7963. When Mr. M'Manus went outside, did he make any observation to the people outside?—He did.

7964. Did he say anything of Mr. Palmer?—He said something to the priest, but I cannot recollect what that was about. He addressed me, and asked me, did I come there to canvass for Mr. Palmer.

7965. *Committee.*] The priest asked you?—Mr. M'Manus asked me.

7966. Mr. *Buchanan.*] Did he say anything of Mr. Palmer?—I said I had some other business there; and he said, "I suppose you have come here to canvass for an Orangeman."

Mr. *O'Malley* objected to the answer being received in evidence.

Mr. *Buchanan* submitted that he had a right to get from the witness everything that occurred.

7967. Now, do not say anything of what Mr. M'Manus said of Mr. Palmer; that

that I believe was on the 29th of March?—It was the Sunday before the nomination.

7968. The nomination took place on the 3d of April?—Yes; on Friday.

7969. Were you in Swinford after that day? Do you remember being in Swinford and seeing Mr. Moore there?—Yes.

7970. Can you say when that was?—On the Tuesday.

7971. That was on the Tuesday after that Sunday?—Yes.

7972. That is the Tuesday before the nomination?—Yes.

7973. Now, did you go to Swinford with Mr. Moore?—I did.

7974. What purpose had Mr. Moore in Swinford?—Mr. Moore went there to canvass, and I also went there to canvass for Captain Palmer. I accompanied Mr. Moore through the town.

7975. Did you meet any of the supporters of Colonel Higgins in town on that occasion?—I did; a good many.

7976. Whom did you see?—It would be hard to enumerate them, there would be so many.

7977. Did you see any at Corney's Hotel?—Yes.

7978. Who were there?—Mr. M'Manus.

7979. Who else?—Mr. O'Dowd.

7980. Did you know that Mr. O'Dowd was a deputy sheriff?—He was afterwards.

7981. Mr. Thomas O'Dowd?—Yes.

7982. Who else?—The Rev. Mr. Eames, the rector.

7983. And his son?—And his son.

7984. Do you know whether Corney's Hotel was engaged for any party?—I believe it to have been engaged by Mr. Higgins's friends. I was told that it was so.

7985. Mr. *O'Malley.*] Do not tell us what you were told by anybody.

7986. Mr. *Buchanan.*] Did you see the friends of Colonel Higgins in the hotel?—I did.

7987. Did Mr. Moore continue his canvass?—He commenced in the lower end of the town, and he passed by this house; he did not go there when he saw Mr. Higgins's friends in there.

7988. Did you canvass at the hotel for Mr. Palmer?—No.

7989. Do you recollect after that, whether you met a stipendiary magistrate, Mr. Curran?—I do.

7990. Whereabouts was that?—I think it was about fifty yards up the street from the hotel.

7991. In the middle of the street?—Yes.

7992. Do you remember who was present?—There were so many present, that it would be hard to remember.

7993. Did you hear Mr. Moore on that occasion address the people who were present?—Mr. Curran stated ——

7994. When Mr. Curran came up, state to the Committee what occurred?—Mr. Moore, I believe was introduced to him by the police officer, and he stated that it was better for Mr. Moore not to return into the town, as the mob was following him on his canvass, and might come into collision with the others.

7995. Were there really any people with Mr. Curran, with whom the people who followed Mr. Moore could come into collision?—Some crowd followed Mr. Curran.

7996. Did Mr. Moore make any answer?—Mr. Moore spoke to him, and said that any people that were there that were friendly to his cause should be quiet, for they would be only injuring his cause if they did anything to disturb the peace, and he addressed the people, and said they had a right to walk the streets, but not to disturb or commit a breach of the peace.

7997. Did you see a Roman-catholic clergyman present, do you think?—Yes, I did; there were two or three present, I think.

7998. Did you see a Mr. Ivers there?—I did.

7999. Tell the Committee whether Mr. Ivers flogged the people or not upon that occasion?—He had no stick; he had a small cane, not much thicker than this writing pen; just about the thickness of this pen. I will tell the truth, and nothing else; I do not care for either party.

8000. You say that he had a small cane in his hand?—Yes.

8001. Did he flog the people with that small cane?—No; it would not be his interest

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interest to flog the people supporting the man that he wanted to be returned; and whenever the people pressed upon Mr. Moore, he kept them back with the cane.

8002. Did he strike any of them over the head with the cane?—I do not think he did.

8003. You were present?—I was present all through.

8004. Do you consider that on that occasion he treated the people cruelly?—No.

8005. You do not?—Quite the contrary; I believe there was a jealousy towards Mr. Ivers, that he was not taking an active part at all.

8006. Is Mr. Ivers a violent man?—No; quite the reverse.

8007. Upon that occasion he went in one direction, and Mr. Moore in another?—Mr. Moore and I walked down the street towards the hotel, and I think Mr. Curran followed.

8008. Did you pass the hotel door again?—Yes.

8009. Did you canvass at the hotel?—No.

8010. Did anything particular occur as Mr. Moore was passing the hotel?—There was some cheering and some hooting; and after I passed the hotel with Mr. Moore, somebody came behind me and said my son was struck opposite the hotel.

8011. Your son?—Yes.

8012. In consequence of that, did you go down?—Mr. Moore and I returned towards the hotel door. We asked who it was that struck him; and somebody stated it was——

8013. Mr. *O'Malley.*] Do not tell us what somebody told you?—Some one told us——

8014. Do not tell us that.—That was told us by Mr. Eames's son.

8015. Mr. *Buchanan.*] You may tell the fact that something was told you, but you are not to tell what that something was; you say that something was told you?—Yes.

8016. Well, what occurred after that?—I spoke to Mr. Eames.

8017. Was the Protestant rector of Swinford there?—Yes.

8018. Was he a supporter of Colonel Higgins?—Yes.

8019. He was standing at the hotel door among Colonel Higgins's friends, I believe?—Yes.

8020. Now, tell us what occurred?—He came down the steps and commenced to argue with him; he began to argue with my son, and I tried to put them asunder.

8021. During this time did anything occur at the hotel?—Yes; they began to hoot us inside, and the waiter came to the hotel door with a jug of water in his hand, and threw it out, intending to throw it at Mr. Moore and me.

8022. Did Mr. Moore continue his canvass after that?—No; we went to Dean Durkin's.

8023. Was it on that day that anything occurred about taking bail?—It was on the night of that day.

8024. Some people were arrested and put into the Bridewell?—We were told so at Dean Durkin's. I saw them liberated after.

8025. Where was Mr. Moore at the time?—At Dean Durkin's.

8026. Was any message, you need not say what it was, delivered to Mr. Moore at Dean Durkin's?—There was.

8027. In consequence of that message did Mr. Moore go out?—He first desired that the people should——

8028. Mr. *O'Malley.*] Do not tell us that; you are asked, did he go out?—He first desired the people——

8029. Mr. *Buchanan.*] We have a right to know what he said. What occurred after? Do you know whether any application was made to the stipendiary magistrate?—No.

8030. Where was Mr. Curran lodging?—At the hotel.

8031. Corney's Hotel?—Yes.

8032. Did Mr. Moore send any person to Corney's Hotel?—He desired his people, and other people who came there, to give bail for those people; he desired them to go to the stipendiary magistrate; and the party in return stated——

8033. Do

8033. Do not tell us that. When they came back it was found, I believe, that bail had been taken for those men?—Yes.

8034. Did Mr. Moore afterwards take bail for those men?—I caused Mr. Moore to take bail for them; I called upon him to do so, and he did so; I went with him to the police barrack.

8035. I believe that no magistrate resides in the town of Swinford?—No, not in the town.

8036. And Mr. Curran was living at the house where Colonel Higgins's friends were?—Yes.

8037. Now, there is another transaction which I wish to direct your attention to; you remember being in the town of Kiltermaugh when Archdeacon Coglan addressed the people?—I do.

8038. Were you along with Mr. Coglan?—I was.

8039. About what time of the day was this?—I think it was between three and four o'clock.

8040. *Committee.*] On what day was this?—On the Thursday, the day before the nomination.

8041. Mr. *Buchanan.*] Did you yourself say anything to the people upon that occasion?—I introduced Mr. Coglan to the people on that occasion, and told them he was going to address them.

8042. Mr. Coglan addressed them, you said, some time after?—He was addressing them; the confusion was so great outside; there were people outside who would not hear him.

8043. You said something to the people on that occasion?—Very little.

8044. Did you make use of these words, that if Colonel Higgins was there, you would daub his face with the dirt of the street?—No; I would be very sorry indeed to make use of any such expression. I swear on my oath, and I am very glad to have the opportunity of doing so, that I never did say so.

8045. You never did say so?—No.

8046. Then it is utterly untrue, if any witness has sworn that you did say so?—If any man has sworn that, he would swear what was false. Upon my oath I never said such a thing. I may be opposed to Colonel Higgins in politics; but I certainly had too great a respect for him to say anything of that sort of him. I never said it

8047. Do you know Ambrose Lavin, who resides at Bohola?—I do.

8048. Is he a freeholder of the county of Mayo?—I think not; his name does not appear on the register list.

8049. Then if he swore that he was a freeholder of the county of Mayo, he did not swear truly?—He did not. Every freeholder who has a right to vote in the county of Mayo is upon this list (*exhibiting a document*).

8050. *Committee.*] Are not some left out now and then?—No; they polled from this list, and no one polled except his name appears upon this list.

8051. But might not a freeholder's name be omitted?—If so, he is not a freeholder.

8052. *Committee.*] Had this witness any official authority?

8053. Mr. *Buchanan.*] No; he was a friend of Captain Palmer's; (*to the Witness*), Do you remember the first day of polling at the election?—I do.

8054. Do you remember taking some freeholders with you on cars to Swinford?—I did.

8055. How many had you with you; do you recollect about how many?—I think I had about 16 cars from Bohola: and there were four freeholders on each car, with the exception of two.

8056. Among these was there a person of the name of Dunlevy?—There was.

8057. Who is Dunlevy?—He is a countryman.

8058. Under whom does he live?—He pays me 28*l.* a-year rent, and he pays Mr. Taff rent; and I believe he also pays Mr. Phare.

8059. He was one of those who were on the cars?—He was.

8060. When you went to Swinford where did you go? where did the cars go with the voters?—When I got within two or three hundred yards of the town, a man came up and said that there was a large mob collected to scatter the freeholders and take them away. I stated that I could not help it; it was too late then to get an escort, and I drove them towards the escort.

8061. When you came to the escort do you remember anybody coming up to this car on which Dunlevy was?—The first thing that attracted my notice was this;

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this; I saw a large crowd around the car on which he was; and I saw my son in the crowd; and I ran up to see what caused the row.

8062. How did Dunlevy appear when you went up?—He was taken by the officer on each side; a large number of men had hold of him, pulling him away from my son.

8063. Had he the appearance of having been injured?—He had.

8064. In what way?—He had some blood on his face.

8065. Did you see any gentleman among these people dragging Dunlevy?—I did.

8066. Whom did you see?—I saw Mr. Strickland.

8067. Was it Mr. Charles Strickland?—Yes.

8068. Is he a magistrate?—He is.

8069. Is he the land agent of a nobleman?—Yes.

8070. Who?—Lord Dillon.

8071. Was he a supporter of Colonel Higgins?—Yes; and a very strenuous one.

8072. Do you know if he was on that committee?—He was; his name appeared on the printed list of the committee.

8073. Who next did you see?—Mr. O'Malley.

8074. Mr. George James O'Malley?—Yes.

8075. Is he a magistrate?—He is.

8076. Was he on Colonel Higgins's committee?—He was.

8077. Was he active for him?—Very.

8078. Am I correct in saying that he was a partisan?—I cannot say that he was a partisan; I know that he did all he could, day and night, for him.

8079. Tell me any other persons you saw; any other gentlemen?—Mr. Philip Taff.

8080. Is he a magistrate?—He is.

8081. Was he on Colonel Higgins's committee?—I think so.

8082. You think so?—I am sure he was.

8083. Did he take an active part for Colonel Higgins?—He did.

8084. Tell us any other gentlemen that you saw; did you see any other gentleman residing in the neighbourhood of Swinford there?—Well, I do not know; I cannot recollect it now.

8085. Tell us just what occurred when you came up to the car?—When the other freeholders that I had on the cars saw the crowd round Dunlevy, they all ran away.

8086. The freeholders all ran away?—The freeholders all ran away.

8087. Do you know where they ran to?—I believe that Dunlevy was then dragged away from me upstairs; the polling-place was upstairs.

8088. Did the freeholders run away among the crowd?—Yes.

8089. What occurred to Dunlevy?—He was dragged upstairs.

8090. First of all, let me ask you, did you drag him off the car?—No; how should I drag him off the car! He was off the car when I came up, and dragged about by the mob.

8091. Well, what next occurred as to Dunlevy?—I then went away through the town; I went down to the tally-room to get people to go round the town to collect the freeholders again.

8092. Did you come back again to the polling-booth?—When I got as many of the freeholders back as I possibly could, I did; they were all got back ultimately.

8093. When you got back, did you see Dunlevy at the polling-booth?—I did.

8094. Who was with him then?—There was a lock-up place; there was a kind of bench that was made; and some kind of place was made under the bench, that Colonel Higgins's freeholders were put into, and he was put in along with them.

8095. There was one side of the bench in which Colonel Higgins's freeholders were put?—There was a platform made, and there was some place inside that the freeholders were put in there.

8096. Were any of Colonel Higgins's freeholders on this platform?—Yes; it was always full.

8097. It was always full?—It was generally full.

8098. Was

8098. Was that the platform on which the deputy sheriff sat, or behind it; was it on that side that he sat?—On it.

8099. His chair was there?—Yes.

8100. Who was deputy?—Captain Brabazon.

8101. Was he a supporter of Colonel Higgins?—Of course he was.

8102. Well, now, were you at the nomination on the 3d April?—I was.

8103. Did you hear Captain Brabazon make a speech in favour of Colonel Higgins?—I did.

8104. You say that the voters of Colonel Higgins were allowed to stand behind the sheriff?—They were.

8105. Were they very quiet?—Sometimes they were.

8106. Sometimes they were?—Sometimes they were, and sometimes they were not.

8107. When a voter polled for Colonel Higgins, did these persons who were standing behind the deputy sheriff do anything?—No; there was nothing very particular.

8108. Did they shout and cheer?—Sometimes they did; very seldom.

8109. When the voters polled for Mr. Moore, did they do anything?—I did not see anything.

8110. Did you see Dunlevy go up to the poll to be polled?—I think I did; but I went out before he polled.

8111. Was he polled before you came back?—I think I was just coming in when he polled.

8112. Now, listen to this: if a witness swear this, would it be correct, "He was dragged away by Mr. Jordan and his son;" that is, Dunlevy; is that correct?—No; quite the contrary. I spoke to Mr. Strickland and Mr. O'Malley, and I stated to them, "Let the freeholder go, and let him go to the poll; he is my tenant, as well as the tenant of the others; let him poll where he likes, but do not drag or hurt the man."

8113. Did Mr. Strickland, or Mr. O'Malley, or Mr. Taff, take any part with the man when he was at the car?—Yes.

8114. Tell the Committee what?—I saw his hands on him.

8115. Did Mr. Strickland go alone with Dunlevy?—No.

8116. Who did you address when you said, "Let the voter go"?—I addressed particularly Mr. O'Malley and Mr. Strickland.

8117. Did you see Mr. O'Malley do anything?—He was there; he was taking a part, endeavouring to bring Dunlevy away with him.

8118. Did you see him forced up the stairs?—I saw a man of the name of Mike O'Grady, from Costello. He had hold of him, and was pulling him towards the booth, when I went to collect the rest of the freeholders, and I asked him to let him out.

8119. Do you know how Dunlevy polled?—I am not certain myself; I heard that he polled for Colonel Higgins and Mr. Moore.

8120. You spoke of the particular place for these voters of Colonel Higgins?—Yes.

8121. In what manner where they polled; where from?—There were some of them polled off the platform.

8122. Behind the sheriff?—Yes.

8123. Were they required to come down and go upon the table?—Certainly not.

8124. Were Mr. Moore or Mr. Palmer's voters polled from the platform?—No; they would not be allowed on the platform.

8125. Where were they polled from?—They were polled from the corner of a bench which was there, or a railing that was put round to enable the clerks to keep the poll-books; and there was a particular little corner that was allotted or pointed out for them to poll to.

8126. Was there considerable order in the booth; did the sheriff interfere?—Whenever any of Mr. Moore's friends said anything, he said he should have them put out of court, or put into Bridewell.

8127. Well, when any of Colonel Higgins's friends spoke, was he equally severe upon them?—No; quite the reverse.

8128. Do you know a person of the name of Cavanagh?—I do.

8129. Do you remember during that election, any charge having been made of Cavanagh having fired at a party?—There was.

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8130. Whom was it made to; to Mr. Curran, the stipendiary magistrate?—Yes.

8131. Did you see Mr. Curran at a house where Cavanagh was?—I did.

8132. Now tell us what occurred there?—Hearing of the report that Cavanagh fired the shot, and when I saw him coming up towards the priest, it occurred to me that he might have been going to see Cavanagh; I walked towards and met Mr. Cavanagh at the door; Mr. Curran called for Cavanagh, and Cavanagh came down stairs to him, or he came outside to the door; he stated to Cavanagh that there had been information stated to him that he had fired a shot on a man in that house; I said to the stipendiary and to Mr. O'Malley that was with him, that the election was then over, and it was no use renewing the quarrels during the election, and it was better to drop it; Mr. Curran then walked up stairs, and so did Cavanagh, and Mr. O'Malley, and the police officer and myself.

8133. Did Cavanagh deny that he fired a shot?—No.

8134. When Mr. Curran came up what was done?—Mr. Curran said that he saw no tracks of shot or firing there, and there was some investigation going to be about it, but it was given up, and I asked Mr. Curran, I understood him that he had pistols about him, and I wished him to take them, and that he might do some harm, but that it was better to let the matter drop.

8135. What did Mr. Curran do?—Mr. Curran asked him if he had any pistols. He said he had pistols. He put his hand in his pocket, and took out three pistols.

8136. What was done with them?—They were handed into Mr. Curran's hands.

8137. Had Cavanagh been active for Colonel Higgins?—Very.

8138. Who did he give the pistols to?—To Mr. Curran; and the police officer stated that he would take charge of them; and they were handed to him then.

8139. What was done with them then?—Cavanagh asked if the stipendiary magistrate would make an order that he should get the pistols back hereafter; and the stipendiary said that he would when everything was peaceable.

8140. Was the military in Swinford during the election?—There was.

8141. Police?—Police and cavalry.

8142. Dragoons there?—Yes.

8143. Do you remember many elections in Mayo?—I do.

8144. Has it been necessary to have the military at the elections in Mayo?—I have been at every election for the county of Mayo since 1826.

8145. Beginning at 1826, was the military out on that occasion?—That was Lord Lucan's election.

8146. Was the military out then?—Yes; a great number.

8147. Was there much violence then?—So much so, that I saw Lord Sligo's horses stoned; there were people killed on that occasion.

8148. Was that by the military?—There were shots fired; I do not know whether it was by the military or by stones; but I saw there was a man killed, because I saw him dead.

8149. You have seen the military at other elections?—Yes; I have never seen an election at Mayo but what the military were there.

8150. Were you in Castlebar the day before the nomination?—Yes; I had been very often in Castlebar for three weeks.

8151. Do you know Armstrong's hotel?—I do.

8152. Do you know what purpose it was taken to be used for by any of the parties?—I knew all Mr. Palmer's friends went there to meet, and to write, and do everything required for Palmer's election.

8153. Was there any placard or inscription on the front of that hotel?—There was.

8154. Do you remember what the words were?—I do, well.

8155. What were they?—"Vote for Moore and Palmer," and "For Palmer and Moore."

8156. Now, was this on a piece of calico?—Yes; and put across a window along the house.

8157. Did you see any other inscription besides that on the hotel?—No.

8158. Do you know whether that house was paid for by Mr. Palmer or not?—No.

8159. You do not know that of your own knowledge?—I do not.

8160. Did

8160. Did you see any of his agents in and out of that house?—Yes; the entire of them. Mr. *J. Jordan.*

8161. The entire of his agents?—Yes; and since the election I have been present along with Mr. Palmer's agent, settling the bills of the election. 6 July 1857.

8162. Was there a bill for this house?—I only speak so far as the bill relating to Gallan, and Costello, and those places.

Martis, 7° die Julii, 1857.

The Names of the Members were called over: all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Mr. *James Jordan* was called in; and having been sworn, was Cross-examined by Mr. *Edwin James*, as follows:

8163. YOU were actively engaged, were you not, in the election?—I have taken a part in the election. Mr. *J. Jordan.*

8164. You do not answer my question: did you take an active part?—As much as I possibly could. 7 July 1857.

8165. You were very active indeed, were you not?—Well, I think I was.

8166. Have you any doubt about it?—I have not a doubt that I did all in my power.

8167. Just, if you please, attend to your evidence of yesterday about Mr. Cavanagh; you say that you heard a complaint that Cavanagh had fired a shot?—Yes.

8168. Did you know Mr. Cavanagh before that?—Very well.

8169. Who is he?—He is a surveyor.

8170. Did you go up with some parties to lay an information of the matter beiore Mr. Curran?—No.

8171. Did you send the party?—No.

8172. Who was it went?—I heard that my son and the man himself went.

8173. Your son and the man himself?—Yes.

8174. Do you mean to tell the Committee that you did not send your son to lay the information?—I do.

8175. Did you know he went?—Not till after.

8176. What was your son; what is he by occupation?—He is an ensign in Colonel Higgins's regiment, and he is also a farmer.

8177. Your son went up with whom?—With the man who alleged that the shot was fired.

8178. How soon did you see Mr. Curran; did he come down?—He did.

8179. Did Mr. Curran tell you that he thought it right to come down and see the spot?—Well, I met Mr. Curran, and he asked for Cavanagh.

8180. Did he come down to see the spot, to ascertain the truth of the charge?—He was at the house; he came from the hotel to the place where Mr. Cavanagh was.

8181. Did he tell you he had come down to see the party who said he had been fired at by Cavanagh?—He said he came down to see Cavanagh, and to make inquiries of Cavanagh if he had fired the shot.

8182. You know Mr. Curran?—I do.

8183. Did he not tell you that a complaint had been made, and that he had come down to see the party who said he had been fired at by Cavanagh?—He said that the man who stated he was fired at made a statement, and that by some means he had contradicted the statement afterwards, and that then he came to make inquiries of Cavanagh.

 8184. Did

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8184. Did not Mr. Curran tell you that the man who had made the statement had equivocated so much that he believed it to be false?—I heard him say so.

8185. Can you tell us who that man was who went with your son?—No; I had not seen the man after he made the statement; I heard he was by the name of M'Nicholas; I think so; I am not certain.

8186. By the *Committee.*] Is that the priest?—No.

8187. Mr. *Edwin James.*] Mr. Curran told you that he had come down, because the man equivocated so much that he believed the statement made in the presence of your son was false?—He said something to that effect.

8188. Was any written information, or anything of that sort, prepared?—He had a paper in his hand which he said he had taken down as the evidence of the man.

8189. Where were you; did you go with Mr. Curran to the house?—I did.

8190. Were you there with M'Nicholas, the man who said he had been fired at?—No, I did not see that man.

8191. Whom did you see?—The man was not there when I was there.

8192. Who were there when Mr. Curran came down to inquire?—Mr. George O'Malley, the magistrate of the county, and the police officer, and, I think, the man of the house was there.

8193. You were there?—I was.

8194. Did Mr. Curran ask it to be described whether the shot was found in the wall or in the door?—He made some inquiries to that effect. I stated that yesterday.

8195. Did you ask Mr. Curran, while he was doing that, to take down in writing that this Cavanagh had called for liquor, and desired it to be put down to Colonel Higgins?—No.

8196. I put that to you; be careful?—I stated no such thing.

8197. You swear that, do you?—I do. I know well that I never saw a greater partisan at an election than Mr. Curran.

8198. I ask you whether Colonel Higgins and Mr. Curran had ever spoken together in their lives?—I know they have since this investigation has occurred.

8199. I am speaking of before the investigation.—I do not know.

8200. Will you swear that Colonel Higgins and Mr. Curran ever interchanged a word in their lives?—I cannot swear whether they did or not. I know he was stopping at his hotel, and he might have stopped at Mr. Mulligan's if he had liked.

8201. Is there any other hotel at which Mr. Curran could have stopped?—There are plenty of places.

8202. In the town of Swinford?—Yes.

8203. A fit place for a gentleman to stop at?—Yes, a much better place than that hotel; he could have stopped at Mr. Mulligan's, where the officer in command stopped, which is a much better house than that.

8204. You swear he was a partisan?—To the best of my knowledge, I believe him to be one; he has taken every part in favour of Colonel Higgins's election; every man that is here can swear the same.

8205. Did you ever see Mr. Curran in Mayo before that time?—I never saw him in my life before the Tuesday before the election.

8206. I ask, did you not say to Mr. Curran, "Take down," I am reading the very words of the evidence, "take down that this Cavanagh had called for liquor, and desired it to be charged to Colonel Higgins"?—I did not. Is that James Jordan; is that my name?

8207. I ask, did you or not?—I swear I did not.

8208. Did James Jordan, in your presence?—I am James Jordan.

8209. What is the other Jordan?—Edward Jordan.

8210. Did he in your presence?—No.

8211. Were you present when Mr. Curran made an examination, as to whether the whole thing was true or false; made an examination of the wall and door, to see if there was a bullet?—He did not examine whether there was a ball.

8212. He did not look?—He stood in the room, that was all.

8213. Did he see if there was in the wall a shot?—He made no search; for I asked Mr. Curran to let the matter drop; I had some respect for Cavanagh; he was employed for me before.

8214. You asked him to let the matter drop?—I did; I had a respect for Cavanagh, because he had been employed for me on former occasions.

8215. Did this man persist in the charge before Mr. Curran, that he had been shot at across the table?—He did not come forward at all.

8216. Was

8216. Was not the whole thing false?—No, it was not; because Cavanagh admitted that he had fired the shot after this.

8217. Do you mean to say that it was not stated that the pistol went off by accident in the kitchen?—No; he said he did it in self-defence; that he had got a blow from somebody, and he fired the shot when he was leaving the room.

8218. Did you see the ball?—I did not look for it.

8219. Hearing that Cavanagh, Colonel Higgins's agent, had fired a shot, you did not look for the ball?—No, because the election was over; I was sure that my friend had the victory, and I did not want to follow it up further.

8220. Will you swear before this Committee that Cavanagh admitted to you that he fired a shot deliberately at the man as he left the room, and that you being in the room did not look to see if there was a shot there?—I do positively swear that Cavanagh did admit that he did fire a shot; but I say that I had a respect for Cavanagh, and I did not wish to look for the ball, because if I found the ball I considered Cavanagh should be prosecuted.

8221. Do you mean to say that the shot was fired in the same room in which Mr. Curran came down and examined the wall?—He stood in the room by the window, but he never made a search for the shot at all.

8222. Do you mean positively to swear that?—I do positively swear that; I was told you meant to make a hare of me on cross-examination; you will not I can tell you.

8223. Do you mean to swear that the stipendiary magistrate came down to ascertain whether a man had been shot at, and did not examine the wall to see if there was a shot?—I say Mr. Curran did not, and 50 people will swear that that is the fact.

8224. Did not Mr. Curran tell you that the man himself confessed that he was not fired at at all; that he was not in the room when the shot was fired?—He stated no such thing.

8225. That you swear?—I do.

8226. Who is James M'Nicholas?—He is a countryman.

8227. What trade is he?—He is a labourer, and holds some land.

8228. Were you present in the room when he was there with Mr. Curran?—No; he was at the hotel.

8229. When Mr. Curran came to the house to ascertain whether there was any foundation for the charge, were you present in the room where Mr. Curran was?—I was.

8230. When you say that Mr. Curran told you that the man equivocated as much that he believed the whole thing was a falsehood, what did you say?—I was inclined to agree with him, because I did not wish to have Cavanagh prosecuted.

8231. What did you say to Mr. Curran when he came down, and said that the man had equivocated so much that he believed the whole thing to be false; what did you say?—I said to Mr. Curran, and the other magistrate, Mr. O'Malley, that as the election was over I would be glad that the matter should not be prosecuted, and he very quickly took the hint.

8232. Where was the room that you say he told you he was shot at in?—In Pat Jordan's parlour, in the town of Swinford.

8233. Did anybody look in your presence to see for any ball; you say you did not?—He went into the parlour and he looked about.

8234. Did any person look to ascertain?—Not one while I was there, except standing there; we all looked about the room, but there was no search made in the wall for the ball.

8235. By the *Committee.*] What was the size of the room?—I should say 24 or 25 feet long, and about 12 or 13 wide.

8236. Mr. *James.*] Did not Mr. Curran ask the man in your presence where he stood when he alleged that Cavanagh fired at him?—I told you before, that I did not see the man in the presence of Mr. Curran at all.

8237. Who were present?—Mr. Curran, Mr. George James O'Malley, a magistrate of Mayo, the captain of the police, or the officer of police, and, I believe, the man of the house; there was a girl called up to be examined about the firing of the shot, and I interfered and did not allow the girl to be examined.

8238. You interfered?—I did.

8239. What did you do that for?—I was anxious about Cavanagh; I knew if the shot was proved to be fired, he would be prosecuted.

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8240. But your own son went up with him to lay the information, did he not?—He did, and contrary to my wish.

8241. Was anything more done in this at all, as you say Cavenagh told you he did fire it?—He did tell them that.

8242. Was anything more ever done in it?—Nothing more than having the pistols taken from Cavanagh. I asked for the pistols to be taken from him.

8243. Were the pistols taken from him?—They were.

8244. By whom?—Mr. Curran; and I was surprised to see that he swore they were not.

8245. You will swear they were, will you?—I will.

8246. How many; three?—Three.

8247. Are you aware that Mr. Curran has sworn that he produced the pistols, and that he thought he had no right to disarm the man, because he said he had a satisfactory refutation of the charge, that the man himself confessed that he was not fired at; now, will you swear that Mr. Curran took from him three pistols?—Most positively.

8248. Three pistols?—Three.

8249. What sort of pistols; horse-pistols?—They were small pocket pistols.

8250. What did he do with them?—They were handed into his hands, and the police-officer stated that he would take charge of them, and I think they were handed from Mr. Curran to the police-officer. Mr. Cavanagh made application that he should get back the pistols again; he hoped that before Mr. Curran left the town he would leave an order to that effect. Mr. Curran said, certainly, as soon as things are peaceable, and everything right, you shall get back your pistols.

8251. What became of them?—I cannot tell.

8252. Did Mr. Curran take them away?—No; they were handed to the poll-officer.

8253. Did he take them away?—I do not know what became of them.

8254. Then you do not know whether they were ever taken away from the room?—They were handed over from one hand to the other.

8255. Whether they were taken away from the room or not, you do not know?—I do not know.

8256. By the *Committee.*] Were they loaded when they were taken away?—There was no search made whether they were loaded or not.

8257. Mr. *Edwin James.*] You were present with Mr. Curran at Swinford; he was at Swinford on the 26th or 27th of March; did you see Mr. Moore upon that occasion with some priests?—I saw him on the Tuesday before the nomination.

8258. Was it when Mr. Moore was there with some priests?—There were some priests went along with Mr. Moore when he was canvassing.

8259. How many priests had Mr. Moore with him?—I think he had three or four, I should say.

8260. Oh, come, more than that?—There may be more.

8261. How many will you swear?—I could not tell, I could not exactly speak, but I do not think more than three or four accompanied him upon the canvass.

8262. You saw Mr. Curran there, did you not?—I did.

8263. At the time you saw Mr. Curran there how many priests had Mr. Moore with him?—I do not think he had more than three or four in the street at any time with him.

8264. At any time?—That is, in the street along with Mr. Moore; there may be more through the town.

8265. Do you know their names?—I think I know the name of every priest in Mayo.

8266. Who had he with him?—Dean Durcan accompanied him part of the way, and Mr. Phinn and Mr. Ivors. Dean Durcan dropped off, and I think Mr. Halligan joined, or somebody, but I forget who was the other.

8267. You know Mr. Ivors?—Very well.

8268. You say as to his flogging the people, it would not be his interest to flog the people; that he had a stick, a small cane not much thicker than a writing pen; just the thickness of this pen?—I swear it still.

8269. Was it a whip?—No, it was a cane; one of those penny canes bought in a shop.

8270. What

8270. What do you say he did?—It happened to be market-day, and Mr. Moore went to the house of each party concerned, and the people were so anxious to hear what the answer inside would be from the freeholders, that they were pressing very much and crowding in on Mr. Moore; and Mr. Ivors, upon one occasion, pushed the people back and told them to stay back and give Mr. Moore room to walk on his canvass of the freeholders.

8271. Was that in the presence of Mr. Moore?—I do not know whether Mr. Moore saw him do so or not.

8272. Was it in the presence of Mr. Curran?—No, I think Mr. Moore was inside in the house canvassing at the time.

8273. Was it in the presence of Mr. Curran?—Mr. Curran might have seen it; I do not know.

8274. Was he there close by?—He was through the crowd.

8275. You say this was merely to push the people on one side?—To push the people away, nothing more.

8276. Then you say it is not true that he flogged the people in such a fashion as Mr. Curran swore he never saw men flogged before; that he struck and hit the people about the head and shoulders with a heavy cane?—I believe Mr. Curran never saw the men flogged, and I swear he did not flog the people in the way he said.

8277. Then that is not the truth?—It is not the truth.

8278. It was not a heavy stick?—Not much heavier than that writing pen, as I described yesterday.

8279. Where did the people go with Mr. Moore after that; did you hear him address them?—Mr. Moore, I think, addressed the people before this.

8280. Where did the priests go with Mr. Moore afterwards; those four or five priests?—I think some of them dined with Mr. Moore at Dean Durcan's, and so did I.

8281. You dined at Dean Durcan's?—I did.

8282. How many priests dined there with you?—I think about five.

8283. Was Mr. Ivors one?—Well, I am not certain; I think he was; he is the curate there. I never thought I should be brought here to speak about it, therefore I did not keep an account of it.

8284. By the *Committee.*] There is a bishop of the name of Durcan, too, is there not?—Yes, there is; he is brother to the dean.

8285. Mr. *Edwin James.*] You say you were at the chapel of Bohola on the 29th March?—Yes.

8286. I think you said there was nothing at all striking or particular said by Mr. Halligan?—I stated what was said.

8287. You know Mr. M'Mann?—I do.

8288. He got up, did he not, after Mr. Halligan had made some speech in the chapel?—I do not know what you mean by getting up.

8289. Did he rise and speak?—No; I think he was on his legs before.

8290. Did he speak?—He attempted to speak; he said a little; he said he did not think it was right to introduce politics into a chapel. Mr. M'Manus is there, and I will state what he stated.

8291. Did Mr. Halligan say that the bishops, the Roman-catholic bishops, had come to a resolution that he should be opposed at the ensuing election, that is, Colonel Higgins?—That is not my recollection of what he said.

8292. Will you swear he did not say that; I put it distinctly?—I am going to answer distinctly.

8293. Did he say that the bishops, the Roman-catholic bishops, had come to a resolution that Colonel Higgins should be opposed at the ensuing election?—I do not remember his having stated so; that he spoke of the bishops there; that was after, when the bishops were talked of, was outside the door when Mr. M'Manus called Mr. Palmer an Orangeman.

8294. I am speaking to you of what was said in the chapel; did not Mr. Halligan say in the chapel that the bishops, the Roman-catholic bishops, had come to a resolution that Colonel Higgins should be opposed at the ensuing election?—He said the clergy; he did not name the bishops.

8295. Did he say that the clergy had come to a resolution that Colonel Higgins should be opposed at the ensuing election?—He did; he said the clergy had come to a determination to support Mr. Moore and Captain Palmer; that they had supported Colonel Higgins upon two former occasions, and upon each

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occasion he disappointed them, and now they were determined not to support him.

8296. Did he say the clergy had come to the resolution that Colonel Higgins should be opposed at the ensuing election?—Certainly he had.

8297. Had you seen that resolution or that report signed by the Archbishop of Tuam, signed "John, Archbishop of Tuam," which had been circulated?—I had.

8298. Had you seen it at the time?—I had.

8299. Where had you seen it?—I saw it at Castlebar.

8300. Where?—I was present when Dr. M'Grale prepared it to send to the press.

8301. Who is Dr. M'Grale?—He is a doctor residing at Castlebar, a medical doctor.

8302. You were present when Dr. M'Grale prepared it at Castlebar; where?—In a house at Castlebar, I think, in the house of one Welsh, where one of the curates lodged.

8303. Who is Dr. M'Grale?—He is a medical doctor in Castlebar.

8304. First of all, let me quite understand what it is; this is what I mean; is it what you mean? "That all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament. (signed) *John, Archbishop of Tuam, Thomas Feeny, T. Durcan, John M'Evilly*"?—Something to that effect.

8305. Look at that?—I recollect it well; I am sure you read it correctly.

8306. Do not be sure; we do not trust each other much; is that it; look at it (*handing the same to the Witness*)?—It was a document something to that effect; I say that Dr. M'Grale added all that to it at the top.

8307. Who did?—Dr. M'Grale.

8308. This is the resolution which you say you saw at the house where Dr. M'Grale was; on what day?—It is a resolution that purported to be something like that.

8309. Signed "John Archbishop of Tuam?"—The paper I say, was signed "John Archbishop of Tuam."

8310. You say a manuscript was prepared to be sent to print; who had the manuscript?—I cannot tell who produced it.

8311. Who were there?—Mr. Sheridan, Dr. M'Grale; I think Mr. Cahil, the curate in the parish.

8312. Was Mr. Conway there?—No, not at all.

8313. Who else?—I think Mr. Green.

8314. Mr. Green, the priest?—Yes.

8315. Was this on the day of nomination?—I think not; oh no, it was not; it was before the nomination.

8316. You have read of course Dr. M'Hale's examination?—I know the priests had an objection to have that document published. Mr. Sheridan, Dr. M'Grale, and myself as the friends of Mr. Moore, and Captain Palmer insisted on having it published, and Dr. M'Grale added to it then.

8317. Who produced the manuscript?—I cannot tell.

8318. Do you know Dr. M'Hale's handwriting; was it his handwriting?—I never saw Dr. M'Hale write.

Mr. *Karslake* submitted that the manuscript must be produced.

Witness.] If you even produce it, I could not tell.

8319. Mr. *Edwin James.*] Have you read Dr. M'Hale's evidence given before this Committee?—I have, part of it.

8320. Have you read that it was stated here, upon oath, that there was a resolution prepared at a meeting, in his own handwriting; have you read that?—Yes, I think I have.

8321. Was that the resolution that you now say was at Dr. M'Grale's; is that the resolution that you heard Dr. M'Hale swear he prepared at a meeting of the clergy, held at his house?—I am sure that you have too much experience to ask me to swear that.

8322. Can

8322. Can you say whether it was or not?—I cannot form an opinion whether it was the document or not.

8323. Who produced it; where did it come from?—I cannot tell. I saw it upon the table in this House.

8324. Did not somebody produce it at the meeting?—It might have been laid upon the desk before I came in. I do not know. I could not tell who produced it.

8325. Was Dr. M'Hale there?—No; none but the five I have given you.

8326. What was done with it?—There was a copy made, and the copy was sent to the press; the original was retained.

8327. Do you mean sent to the press for a placard, or what?—For a placard.

8328. Is this it (*exhibiting a placard*)?—I cannot tell that. How will that tell me? My name is not to that. How can I swear that?

8329. Did you observe, was it the same colour?—No; there were different colours.

8330. How many colours were there of this resolution?—I think when it was sent to the press, they had some in blue colour, some in red, and some in white.

8331. How many were printed?—About a couple of hundred.

8332. Was not that resolution in Dr. M'Hale's handwriting?—I have sworn, upon my oath, that I never saw Dr. M'Hale write. I do not know in whose handwriting it was.

8333. Was it stated at the time when it was produced to be sent to the printers, that it was in Dr. M'Hale's handwriting?—

Mr. *Buchanan* objected to the question.

8334. You say you do not know his handwriting?—I do not.

8335. You do not know who produced it?—I cannot exactly say who produced it; I saw it on the table.

8336. You have given us the names of the parties at that meeting?—I have.

8337. All of them?—All of them.

8338. Mr. Cahil was there?—Yes.

8339. Is that Mr. Cahil who is the gentleman, one of the secretaries?—Yes.

8340. Was it Mr. P. Green?—Yes.

8341. And Mr. H. Cahil?—Yes; they were both there.

8342. I ask you if one of those gentlemen, either Mr. Cahil or Mr. Green, did not produce the manuscript of that resolution?—I have stated already twice that I do not know who produced it; I saw it on the table, and that is all I know.

8343. Who called the meeting?—I do not think there was a meeting called at all.

8344. Was it an accidental meeting?—Indeed, I think it must be; Mr. Sheridan and I were in the habit of going repeatedly to the priest's house, and we happened to go there upon this occasion.

8345. To what printer was this resolution sent?—I think to the "Telegraph" office.

8346. Did you take some of these placards yourself to your district?—I did.

8347. How many?—Well, I cannot say.

8348. How many did you take?—I cannot say.

8349. About how many; having got this resolution printed as a placard at Castlebar, I ask you how many you took of the resolution, with Dr. M'Hale, Mr. Feeny, Mr. Durcan, and Mr. M'Evely's name to it; how many of them did you take to your district?—Perhaps I put a dozen of them in my pocket; I should say I put about a dozen in my pocket.

8350. How long was this before the nomination; I wish you would fix the day for me?—I cannot fix the day, because I have taken no note, inasmuch as I never expected to be brought here upon this petition.

8351. How long was it before the nomination that you met and had this printed?—I should say it was less than a week.

8352. You say you got it printed in Castlebar?—I did not get it printed.

8353. Then it was printed at Castlebar; how many did you take with you to your district?—I think about a dozen.

8354. You do not live in Swinford, do you?—No.

8355. How far from Swinford?—About six Irish miles.

8356. What did you do with the placards; the dozen you took?—I think they

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remained in my pocket, with the exception of two or three, which I had at Bohola.

8357. What did you do with them at Bohola?—I showed them; when Mr. M'Manus called Captain Palmer an Orangeman, I produced one upon that occasion to convince the people that he was not an Orangeman, and that the clergy approved of him.

8358. By the *Committee.*] You say that you saw the document upon the table when you went in?—Yes.

8359. If nobody had taken up that document, of course it would have remained unopened on the table?—My recollection is, that it appeared to be open on the table.

8360. If nobody had taken up the paper, it would have remained open on the table?—We were speaking about the matter.

8361. You say a considerable addition was made to the document; the paper on the table was merely the resolution come to by the clergy, but that Dr. M'Grale, together with Mr. Sheridan and yourself, added what is at the top of that document; do not you remember who took up this paper and read it, because somebody must have done that, otherwise the paper would have remained untouched upon the table?—I think the matter was discussed, and somebody took it up and read it; I cannot say at present who it was; I do not recollect at present; Mr. Sheridan said it should be published, and I also stated that it should be published, and that it would not be doing justice to the candidates whom I was interested for, unless it was published.

8362. Mr. *Edwin James.*] You found this lying on the table; nobody seems to know anything about this; you found it lying on the table?—I have no hesitation in telling you, if I knew, who put it on the table, but I saw it on the table.

8363. Did not Mr. Green, or Mr. Cahil, one of the secretaries, produce it?—They might have produced it before we came, but my recollection is that I saw it on the table; I know nothing more about it.

8364. You say it was to be printed; who wrote it?—Dr. M'Grale, and he is here to prove it.

8365. Was Dr. M'Grale Mr. Moore's agent at Burrishoole, was not he retained; do not you know that he was retained as Mr. Moore's agent at Burrishoole?—I never heard it.

8366. Was Mr. Sheridan Mr. Moore's agent?—He was.

8367. And he was at this meeting?—He was; he was not his paid agent, he acted as his friend; he acted in the booth, I hear.

8368. By the *Committee.*] He is not his paid agent?—He is not his paid agent; he acted as his friend, I understand.

8369. The same as yourself, you were not a paid agent?—Certainly not.

8370. Did you act in the same way?—I acted in a friendly way in the matter. I was offered by the solicitor of Captain Palmer 40 guineas to become his agent; but I would not take it.

8371. Mr. *Edwin James.*] Did Mr. Sheridan act as agent for Mr. Moore, at the booths do you mean?—I heard he was; I was not there.

8372. What is Mr. Sheridan?—He is a man of property; he is inspector of weights and measures, and he is high constable of the barony he lives in, and he has many other situations?—At this meeting, when you say this resolution was sent to the printer, to print placards, was it arranged at that meeting that it was to be sent anywhere else to be printed, besides being the subject of placards?—No, I am not aware of any.

8373. Was not it at that same meeting arranged that it should be printed in some paper?—I really forget whether there was any order made about it or not.

8374. Was there a discussion about it?—No, not that I am aware of.

8375. Was it arranged that it was to be sent to the "Freeman's Journal?"—I did not hear a word about that.

8376. Having got this placard and the resolution, you went home to Swinford?—I did not go home that night.

8377. Well, the next day?—I do not think I went home; I went home afterwards.

8378. Did you see the priest?—What priest?

8379. Your parish priest?—I did.

8380. What is his name?—Mulachy.

8381. Did you tell him of this resolution?—I do not recollect that I did.

8382. Will

8382. Will you swear you did not?—I will swear that I do not think I did.

8383. Is not your recollection sufficiently accurate to enable you to swear that you did not?—I cannot positively state whether I did or not.

8384. Did you tell Mr. Halligan of it?—I did.

8385. Mr. Halligan, the priest?—I did.

8386. You told Mr. Halligan, the parish priest, of it?—Mr. Halligan is not the parish priest.

8387. What is he?—The curate.

8388. When did you tell Mr. Halligan of this resolution?—Well, I think I did; I cannot say when I told him; I know he saw it after I produced it outside the chapel at Bohola.

8389. What, was it posted up outside the chapel?—No, not at all.

8390. Where did he see it?—I took it out of my pocket when Mr. M'Manus called Captain Palmer an Orangeman.

8391. Will you swear that you did not tell Mr. Halligan, the curate, of this resolution which you knew to have passed, and had sent to be printed before Sunday the 5th of April?—I do not think I did, because it was on Saturday that I came home late from Castlebar.

8392. Saturday the 4th?—The Saturday before the nomination.

8393. That is long before the 5th of April; that was before the 29th of March; that is Saturday the 28th of March?—I came home late at night on the Saturday before I went to Bohola.

8394. I ask you, whether before Sunday the 5th of April, you had not told Mr. Halligan of this resolution of the Archbishop of Tuam and the priests?—He saw it the day I was at Bohola after I left the chapel.

8395. On the 29th he saw it do you mean?—I do not recollect the dates; it was the Sunday before the nomination.

8396. That is the 29th; where did he see it?—He saw me produce it to the people to let them see that the clergy did not consider Captain Palmer was an Orangeman.

8397. Had not he seen it before that?—I do not recollect that he had.

8398. Had it not been placarded in the town of Swinford?—I do not think it was.

8399. Was it placarded at all?—I am not aware.

8400. What did you do with your placards?—I think they remain in my pocket still.

8401. The whole of them?—Except two of them which I produced at Bohola to convince the people that Captain Palmer was not an Orangeman; I was canvassing on behalf of Captain Palmer.

8402. Did you and Mr. Halligan, the priest, canvass together?—No.

8403. Never for Mr. Moore?—No; I think Mr. Halligan was present on one occasion when I asked one man at Keltimagh if he would come up and vote.

8404. I asked if you canvassed together; you said no; how came you to go and meet them at the voter's house?—We did not meet at his house, we were driving on the same car, and I met a voter on the road.

8405. You and Mr. Halligan?—I was going to canvass.

8406. Were you not canvassing with Mr. Halligan, the curate?—No.

8407. Were you going to canvass?—I forget where I was going; he happened to be upon my car.

8408. Were you going to canvass?—No.

8409. Where were you going?—I had been to Swinford at a meeting of some gentlemen.

8410. Did you canvass with Mr. Halligan, the Catholic curate, during the election or not?—I think I went to another house with him in the same town.

8411. Did you canvass; you are an intelligent man; you know what I mean; did you canvass; you understand the question; did you canvass with Mr. Halligan, the Catholic curate, for Mr. Moore during the election; yes or no?—No; not for Mr. Moore.

8412. For whom; for anybody?—I canvassed for Captain Palmer.

8413. Whom did Mr. Halligan canvass for?—I do not know whom he canvassed for. I think he was at the door when I canvassed a man of the name of M'Nicholas, in Keltimagh.

8414. Do you mean to tell the Committee you do not know whom Mr Halligan

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gan canvassed for?—I do not; he always canvassed for Mr. Moore and Captain Palmer, if he canvassed at all.

8415. Did not he in your presence ask voters to vote for Mr. Moore?—He spoke to people.

8416. Did he, in your presence, ask voters to vote for Mr. Moore?—I am not quite certain; he asked freeholders to vote for Mr. Moore, but not in my presence.

8417. Did he canvass for Mr. Moore?—I believe he did.

8418. Did he not in your presence?—Not that I recollect, except what I state.

8419. What is that?—I was driving on a car; I forget whether he was riding on one side of me, or whether he was on the car.

8420. He must have been on one side or the other.—I mean riding along on horseback by the car, or on the car. I think he was present upon one occasion when I met a man on the road; I asked him if he would vote for Captain Palmer.

8421. What did Mr. Halligan say to him?—I do not think Mr. Halligan interfered; but the man said he would do anything I desired.

8422. Did not Mr. Halligan canvass the voters in your presence for Mr. Moore?—I think I have given an answer frequently upon that subject.

8423. Will you swear he did not?—I have sworn it already.

8424. You say positively he did not?—Positively, to my recollection he did not.

8425. In Keltimagh was this placard stuck up?—I am not aware.

8426. Did you never see it?—I never saw it posted there.

8427. Nor put up in any way?—No.

8428. You did not?—No.

8429. Did you see it there at all?—Well, I do not know; I do not think I did, for it was in my pocket; I know I read it there; I do not think I ever showed it to anybody there.

8430. How many priests did you show this to?—I never showed it to the priests, except Mr. Halligan saw it when I produced it to the people at Bohola.

8431. Was it before or after Mr. Halligan made his address to the people?—After he made his address to the people.

8432. Seeing that placard which you had printed or sent to the printers, I ask, did he not say that the bishops, the Roman-catholic bishops, had come to a resolution that Colonel Higgins should be opposed at the ensuing election?—I stated to you before that my recollection was, that he stated "the clergy;" he did not make use of the word "bishops."

8433. This shows that the bishops had, does not it?—It does.

8434. Did he not say that the bishops, or that the clergy; those are the bishops and archbishops, are they not?—They are clergy too.

8435. But the publication to the people is the archbishop and bishops, is it not?—It is so.

8436. That being so on that placard, I ask you, as it has been sworn by Mr. M'Manus, if this is not what he said, that the bishops, the Roman-catholic bishops had come to the resolution that Colonel Higgins should be opposed at the ensuing election?—That is not my recollection of it.

8437. Will you swear that did not take place?—To the best of my belief it did not; he did not speak of the bishops in the chapel.

8438. Did he out of the chapel?—No; I produced the placard outside the chapel.

8439. What did you carry this about you for?—To make any use of them I thought proper.

8440. Then you did make use of them?—When Mr. M'Manus called Captain Palmer an Orangeman, I produced them for that purpose, to let the people see that the bishops did not think so.

8441. There is nothing in this resolution about Captain Palmer; it is, "That all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament"?—But the priests came to a determination to support Captain Palmer along with Mr. Moore, and I wanted to convey to the people that, and I was quite certain they would take my word for it.

8442. This

8442. This resolution had nothing to do with Captain Palmer?—I wanted to make the people believe that it had.

8443. You read it out, did not you?—I read part of it.

8444. Did you read the resolution?—I think I did.

8445. Have you any doubt?—I have not.

8446. Had it any effect upon them?—No; because I was at the time addressing some of Mr. Moore's tenants, and some of my own, and other people's, who I knew were anxious to support anybody whom I wished to support.

8447. Is that, to the best of your recollection, a *verbatim* copy of the manuscript you saw upon the table?—I could not come to that determination; I could not state, because the document was seen at the hour of 10 or 11 o'clock at night, and not seen since by me; it would be hard for me to say that those are the exact words.

8448. By the *Committee.*] Was there anything altered in the original document which you saw upon the table; any erasure?—I know it was interlined at the time I saw it, and it seemed to be rather in a confused way. There was an interlineation in it; if the document was here it would show that.

8449. Mr. *Edwin James.*] Where is it?—I cannot tell you.

8450. You sent it to the printer's?—I did not.

8451. At least, you saw it go?—I did not see it go; I saw it prepared to go.

8452. Have you never seen it since?—Never.

8453. You never saw the document since?—Never.

8454. Have you ever seen that resolution since?—Never.

8455. Then after you had shown that, outside the chapel, to Mr. Halligan, as you say, did you then read it to the people?—I did not show it to Mr. Halligan; Mr. Halligan was walking away after he left the chapel; he went immediately after to eat his breakfast; he left the crowd.

8456. Do you mean to say that Mr. Halligan never saw that?—I believe he did.

8457. Have you any doubt he did?—I have no doubt he saw me show it to the people.

8458. Did he, outside the chapel, say that the bishops had come to the resolution that Colonel Higgins should be opposed?—I do not recollect that he did, but I believe that Mr. M'Manus spoke to him outside the chapel; I believe he did not remain two minutes, and he walked off to eat his breakfast.

8459. Did he say no more in the chapel than you have said?—If you will read to me what I did say, I will tell you whether he said more or not, or if you ask me any questions I will answer them.

8460. Did he say that Colonel Higgins's previous conduct did not entitle him to the confidence of the people, in the chapel; that he had betrayed the trust placed in him, and that they had determined to support Captain Palmer, though he was a Conservative?—I have no doubt he said so.

8461. What did you understand him to mean by that, "they had determined," if he had spoken of no resolution of the bishops?—He said that the clergy had determined.

8462. Did he not say that the archbishop and the other bishops of the diocese had come to that resolution?—I have given you my opinion about that before frequently, and I tell you the same now, that I do not believe he did.

8463. How long did he speak in the chapel?—A few minutes.

8464. When he came out of the chapel, I think you say he said nothing?—I think Mr. M'Manus wished him good morrow, or something of that kind.

8465. Were there many people at the chapel?—Yes.

8466. Were there many people outside the chapel, when you announced this?—All that were at the chapel.

8467. How many should you say?—It would be hard to say how many were at the chapel.

8468. Fifty, or 100, or 150?—Perhaps 700.

8469. Did you read it aloud?—I think I did.

8470. Have you any doubt about it, that you read it aloud to the people?—I have not; I was interrupted frequently by Mr. O'Dowd and Mr. M'Manus.

8471. Did you read this resolution aloud to the people?—I think I did.

8472. Did you read the whole placard, or only the resolution of the bishops?—I think I read the whole of it.

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8473. By the *Committee.*] Could Mr. Halligan have heard you read it?—I do not think he wanted to hear it read; I think he went home to his breakfast.

8474. Did you breakfast with him?—No, I went to his house where he breakfasted.

8475. Had you any conversation with him there?—No; he went to his breakfast, and I went among the people and canvassed them.

8476. You did not breakfast with him, but you went to his house afterwards; had you any conversation with him at the time about this document that you had read to the people in the churchyard?—Not anything in particular that I am aware of.

8476*. If he had not heard you read it, and he had not seen the placard, he could not have known of the resolution, or of the placard at all then?—I do not think he could, unless he heard me read it when I was reading it outside the chapel door.

8477. Did you have conversation with him after his breakfast that would have shown you that he had heard of it or not?—I do not recollect anything occurring particular.

8478. Mr. *Edwin James.*] Was not it arranged at that meeting where you were that a copy of that resolution should be sent to every parish priest on the Sunday?—I did not hear any observation made about it.

8479. That you will swear?—I will.

8480. Nothing occurred at that meeting where it was arranged that this should be printed, and that a copy of that resolution should be sent to every priest?—Not that I recollect.

8481. Will you swear it?—No, I will not.

8482. Will you swear that at that meeting, when it was arranged that this should be sent to the printer's it was not arranged that a copy of it was to be sent to every parish priest?—I could not swear whether it was or not. I do not remember whether it was or not.

8483. Do you know whether a copy of it was sent to every parish priest?—I do not know.

8484. Will you swear that?—I will.

8485. Did you know from Mr. Halligan that he had got one?—I do not know that he had.

8486. Did not Mr. Halligan tell you that he knew of this resolution?—I did not speak to Mr. Halligan about the resolution before the day I spoke to you about.

8487. Do you live in Archbishop M'Hale's diocese?—No.

8488. In whose?—In Bishop Durcan's.

8489. I ask you, at that meeting again, and I have a reason for repeating the question, whether you will swear, that at that meeting it was not arranged that a copy of that resolution should be printed, or rather should be sent to every priest?—I can give you no answer to that, for I have no recollection of any such arrangement being made.

8490. Was it proposed?—I do not remember whether it was. Dr. M'Grale is here, and he will tell you.

8491. By the *Committee.*] You did not answer the question that was asked, whether you did not know that Mr. Halligan had heard of the resolution before?—I stated that I did not know whether he knew it or not, for I did not myself convey it to him.

8492. You had some conversation with him. Had you any reason to suppose he had heard of it before?—Not that I now recollect.

8493. Mr. *Edwin James.*] Mr. Halligan is only the curate, is he?—He is the curate of two parishes.

8494. Mr. M'Nicholas is the priest, is he not?—He is.

8495. Did you see him?—I did.

8496. Before this Sunday?—I saw him frequently before this Sunday; but I saw him that Sunday,

8497. Did you tell him of this?—No, not till after prayers.

8498. That you will swear?—I did not see him at all till I saw him on the altar.

8499. Will you swear that before the statement was made by Mr. Halligan, you did not tell Mr. M'Nicholas, the priest?—I will.

8500. Did

8500. Did you tell Mr. M'Nicholas, the priest, of this resolution?—He might have seen it after mass.

8501. Did you tell Mr. M'Nicholas, the priest, of this resolution?—I believe some persons applied to me for one or two, and I gave them.

8502. Did you tell the priest of this resolution?—No.

8503. Did you show it to him?—I believe he might have seen it as well as anybody else.

8504. Did you show the priest, Mr. M'Nicholas, this resolution?—Not more than I showed it to the public.

8505. Did you show it to him?—He might have seen it just as well as the public.

8506. Outside the chapel?—Yes.

8507. Did you give him one of those placards?—No.

8508. Will you swear you did not?—Yes; I will swear, to the best of my recollection, I did not; I will swear one or two came to me afterwards for copies of it.

8509. Who?—A man of the name of Sheridan came to me for a copy.

8510. Did you give him one?—I did.

8511. What is Sheridan?—It occurred to me to give it him for some other purpose; I was asked.

8512. Who is Mr. Sheridan?—Mr. Moore's bailiff; a farmer.

8513. Now, I ask you as to Mr. M'Nicholas, if you did not show it to him?—I do not recollect that I did, not to him particularly, more than to the public.

8514. Did he hear you read it?—I did not see him in the crowd at the time; I do not know whether he did or not.

8515. By the *Committee.*] If you had not come to some resolution with regard to distributing these things, what was the object of having 200 copies made?—I believe they were intended to be distributed.

8516. Where?—I cannot say; I took 10 or 12 of them; I intended to distribute them.

8517. What makes you suppose that they were intended to be distributed if no conversation took place, or no decision was come to upon the subject; if no resolution was come to at the meeting at which you were present with regard to distributing these things, what was the object of having 200 printed off?—I believe when they were ordered to be printed that the intention was to have them published; but I do not recollect any conversation having occurred about their being distributed.

8518. Mr. *Edwin James.*] Were you there when they were brought back from the printer's?—No.

8519. Where did you get your 10 or 12 copies?—I think they were given to me by Mr. Sheridan.

8520. Before you left the town?—Yes.

8521. The following morning, or that same night?—I know it was before I left the town; I do not know whether it was that night or the following morning.

8522. By the *Committee.*] Did you go to any other meetings at Castlebar with Mr. Sheridan and the priests?—I attended all the meetings, mostly, for a fortnight or three weeks before the election; every meeting almost, from the assizes down.

8523. Mr. *Edwin James.*] You were not at Dr. M'Hale's on the Sunday when the original resolution was passed?—That happened at Tuam.

8524. You were not there?—Of course I was not; I was not in the county at all; there was no one there except the priests and bishops, I believe.

8525. When did you first hear that this resolution, signed "John, Archbishop of Tuam," had been passed?—On this night that I speak of.

8526. Was that the first time it was produced?—I think there was a private meeting of the clergy at Castlebar; I heard the document was there produced, and I believe the secretaries that appear there, whose names appear to that meeting, did not think they were at liberty to publish it without the consent of of Dr. M'Hale.

8527. Did you hear that Dr. M'Hale's consent had been given to it?—I do know whether it was or not; I know that Mr. Sheridan, and Dr. M'Grale, and I insisted upon having it published.

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8528. You thought it would do good among the priests?—Certainly, it was our intention to make it do good; to do some service.

8529. You said that you could not swear to Dr. M'Hale's handwriting?—I never saw him write.

8530. Was not it stated at that meeting that it was Dr. M'Hale's resolution?—My belief is, that no one would take upon himself to publish that document with Dr. M'Hale's name to it if he did not think it was genuine.

8531. Was not it stated to be a genuine resolution lying upon that table; that Dr. M'Hale had signed it with his own handwriting?—I believe so.

8532. You say there had been a meeting of the clergy at Castlebar at which they declined to publish it without Dr. M'Hale's consent?—Yes.

8533. How soon was that meeting held at which you determined to publish it?—I believe three or four days after.

8534. Had not Dr. M'Hale's assent been obtained to the publication of it?—I do not know, but I know that the two priests there at the time were opposed to the publication of it.

8535. What did they say?—Mr. Cahil particularly.

8536. Did Mr. Green object to its being published?—He was more willing to have it published than Mr. Cahill.

8537. Is that Mr. Henry Cahill?—I do not know.

8538. You say Mr. Henry Cahill objected to it being published?—I do not know what his Christian name is.

8539. Is that the same gentleman who signs this (*showing a paper to the Witness*)?—He is the curate of Castlebar.

8540. "Having seen a placard posted in this town and neighbourhood, bearing the signature R. A. O'Donnell, denying the authenticity of a resolution adopted by the Archbishop of Tuam and the Bishops of Killala, Archonry, and Galway; we beg to state that we hold in our possession the autograph of the following document, and that we vouch for its authenticity. We remain, your obedient servants, (signed) *Richard Hosty*, Roman-catholic Curate, *Patrick Green*, Roman-catholic Curate, *Henry Cahill*, Roman-catholic Curate." Is that the same gentleman that you say objected to its being published?—Yes.

8541. Did he not publicly notify that they had in their possession the original autograph?—Not till after it was published.

8542. Did he sign this, saying that they had the original autograph in their possession?—Why not have them here to prove the original?

8543. Is that the same gentleman who signed?—Mr. Cahill is the curate of Castlebar. I have not seen him write it.

8544. Now about Dunleavy, whom you were speaking of yesterday; you swore yesterday that you were coming with about 16 cars from Bohola, and among them was a person of the name of Dunleavy; had Dunleavy been at your house?—He was.

8545. What day was it; I do not think you settled the day yesterday; that you were coming from Bohola with the 16 cars, and Dunleavy was on one of them?—On the Monday morning, the first day of the polling.

8546. Did you know he had promised to vote for Colonel Higgins?—Never. I never heard it; when I canvassed him at Bohola, the Sunday before that, he promised to vote for whoever I asked him to vote for.

8547. Will you swear that you did not know that he had promised to vote for Colonel Higgins?—I will swear I did not know it up to the day he was taken away.

8548. He had been at your house?—Yes.

8549. How long had he been at your house?—He came on the day before the polling; he came on a car with my son from Bohola.

8550. Did you know that Mr. M'Manus had canvassed him?—I could not know it.

8551. At the time he promised you his vote did you learn from him at that time that Mr. M'Manus had canvassed him?—No. I asked him to vote the day Father Halligan was there. I walked up as I did to the other freeholders and asked him if he would vote with me for Mr. Moore and Captain Palmer, and he never hesitated; he said he would.

8551*. Did you take him to the poll?—No.

8552. You and your son?—No.

8553. Who took him to the poll?—I cannot tell.

8554. Did

8554. Did you take him to Swinford?—I did.

8555. When he was brought to your house the night before, was he drunk?—No.

8556. That you swear?—Yes.

8557. Did you see him?—I did; I saw him at Keltimagh.

8558. How did he get to your house the night before the polling?—The cars came from Castlebar to convey the freeholders the next morning; they came into Keltimagh and he came in and took his seat upon one of those cars; I believe he went on one of them; the cars were to be at my house at night.

8559. Did all the voters stop at your house that night?—No.

8560. How many?—I cannot say.

8561. Cannot you say how many were in your house?—No, I cannot.

8562. It is not a very large house, is it?—No.

8563. Where did they sleep, if they slept at all?—I do not know; there were beds procured for them in the house.

8564. How many rooms have you got in your house?—Five.

8565. How many sleeping rooms?—Four.

8566. Four sleeping rooms?—Yes.

8567. What is the size of your family?—I have only one child; one son and my wife and myself.

8568. And the servants?—Oh yes, I have servants.

8569. Cannot you tell the Committee how many voters stopped in your house the night before the election?—I cannot exactly.

8570. Tell us as near as you can?—I think there were five or six.

8571. Where were they; in what part of the house did they sleep; they did not sleep with you, did they?—Indeed they did not

8572. Where were they?—I believe there was some accommodation prepared for them in the house.

8573. But whereabouts; having five rooms in your house, do you mean to tell the Committee you do not know where the six voters slept?—I think there were pallets made for them in the parlour.

8574. Do you mean to tell the Committee that you do not know where the six voters slept in your house?—No; I did not care to see them at all.

8575. Why not?—I thought it more prudent not.

8576. How many were pallets made up for in the parlour?—As many as were in it.

8577. But how many?—I cannot tell you.

8578. Were there six or 12 slept in that parlour?—I cannot tell; I do not think there were 12.

8579. How many?—I cannot tell.

8580. Did they sleep in the parlour?—I heard they did.

8581. Do not you know?—I do not.

8582. Where did you sleep?—I slept in my bedroom.

8583. Is that over the parlour?—It is not.

8584. Where is it?—At the other end of the house.

8585. Did you not see them in the parlour from that time till the morning?—No.

8586. Why not?—I did not care to see them.

8587. Why not?—I did not care to see them.

8588. Had they anything to eat and drink?—I do not know; there was never anyone fasting at my house.

8589. You never fast?—Never; everybody that comes there has plenty to eat.

8590. Had they plenty to eat and drink?—I cannot tell; but I believe they must have.

8591. Who attended upon them?—I cannot tell you.

8592. Where were you that night before you went to bed?—I went to my bedroom.

8593. At what time?—After I returned from Kiltimagh, about eight or nine o'clock.

8594. At what time did these gentlemen take up their pallets in the parlour?—I cannot tell.

8595. What time did they get up?—I believe about seven o'clock.

 8596. When

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8596. When you came down in the morning where did you find them?—I did not see them at all in the morning until they got on the cars.

8597. You say you have only one parlour or sitting room; where did you breakfast that morning?—In my bedroom.

8598. Did you not breakfast in your bedroom because the parlour was allotted to those gentlemen?—I believe so.

8599. Do not you know that it was so?—I believe so.

8600. Where did the gentlemen, the freeholders, breakfast?—I cannot tell.

8601. Who attended upon them?—Some of the servants, I suppose.

8602. Do you mean to tell the Committee that you do not know how many freeholders slept upon pallets in the parlour that night, you only having five rooms in your house?—I am after telling the Committee that I cannot.

8603. Will you fix any number?—I cannot.

8604. Why did you think it not right to have them there?—I understood it was not.

8605. Were they locked in?—No, not one of them.

8606. The house was locked, was not it?—I do not know whether it was or not; I swear they had liberty, if they liked to go, to go.

8607. Among them was Dunleavy one?—He was.

8608. Did his family come to seek him there?—No, his son stopped with him all night.

8609. Whose son?—His son.

8610. I ask if his family did not come to search for him at the house that night?—Not to search for him.

8611. Did not his son come?—No.

8612. Did not his second son come for him?—No.

8613. Not that night?—No, I did not hear of it; not to my house.

8614. Will you swear that his wife did not come to inquire for him during that night?—Never.

8615. That you swear to your knowledge?—Yes; not to my knowledge.

8616. You did not tell the Committee, though I asked you distinctly, who had the charge of these men sleeping upon the pallets in your parlour?—The servants, I believe.

8617. Your son?—I am not aware.

8618. Had your son?—I am not aware that he had.

8619. What servants had the charge of them; women servants do you mean?—There were men and women.

8620. What men had the charge of them?—I do not know.

8621. Do you mean to say they slept in your house?—I do not know whether they slept at all or not.

8622. Did they pass the night there?—I tell you I went to bed immediately after I returned from the town.

8623. On purpose not to see what was going on?—I was not anxious to see it.

8624. Did you go to bed on purpose to avoid seeing what was going on in your house?—It is likely I might.

8625. Did you go to bed on purpose not to see what was going on in your house that night?—I was not curious to see it.

8626. Did you go to bed on purpose not to see it?—I think I am conveying something very close to that.

8627. I ask you to answer the question straightforward.—I believe so.

8628. Have you any doubt about it?—I have not.

8629. You went to bed to avoid seeing what was going on. How many cars came to your house in the morning?—Four; I met others at Keltimagh; four came direct to my house from Castlebar.

8630. Cannot you tell the names of the voters who were at your house that night; cannot you tell the Committee?—I can tell you the names of some I saw going from my house the next morning.

8631. Who were they?—I saw Dunleavy; I saw a man by the name of Kelly, and I saw him here too; and I saw a man by the name of M'Nicholas; I saw two Mullanys. I do not remember any others.

8632. Was that M'Nicholas whom you canvassed with Mr. Halligan?—No.

8633. What M'Nicholas was it?—He is a tenant of Lord Lucan's.

8634. Four

8634. Four cars will hold 16 people, will they not?—When I got up to Keltimagh I took up the others; I had four upon each car going in.

8635. How many men started from your door that morning who had been there the previous night; did not as many as 12 or 14 voters start from your door on the cars in the morning who had been at your house the previous night?—No.

8636. That you swear?—Yes.

8637. How many?—I do not recollect any more than I said, except my son.

8638. What time of night did Dunleavy come the previous night?—He came immediately after prayers, from Bohola, with my son, to Keltimagh.

8639. Did your son bring him to your house?—He brought him from the place; from Bohola.

8640. Your son brought Dunleavy from Bohola to your house?—To Keltimagh, and he came from Keltimagh to my house.

8641. Did he bring him to your house?—I cannot say whether he brought him to my house; I saw him arrive in Keltimagh from Bohola.

8642. Where did he come from?—From Bohola.

8643. This is the same man you were taking into the car?—Yes.

8644. Were there any priests with you on the cars?—The parish priest went on his own car.

8645. Were there any priests that formed a part of your party, and went in your car?—Yes.

8646. Where did you take up the priests?—The priest ordered his own car, at his own house, at Keltimagh.

8647. How many priests went with you, with this party?—There were two from Keltimagh.

8648. Who were they?—The parish priest and the curate.

8649. Who were they?—Mr. Halligan and Mr. Mullarchy. Malachy?

8650. Had you any more priests than those when you entered Swinford?—Yes.

8651. How many priests had you with you?—I met Mr. M'Nicholas at Bohola.

8652. How many other priests; how many priests went with your party?—That is all.

8653. Three?—Yes.

8654. That you swear?—Yes.

8655. No more than three?—No.

8656. Dunleavy was on the car?—Yes.

8657. Did the people say that you had got one of Colonel Higgins's voters in Dunleavy?—No.

8658. They did not?—No.

8659. Did you know that Dunleavy was a tenant of Mr. Taaffe's?—I do not know whether he is a tenant of Mr. Taaffe's, but he is a sub-tenant; he lives under Mr. Phare.

8660. Did you know Mr. Taaffe was a supporter of Colonel Higgins?—I know now he was.

8661. Did not you know it then?—I heard he was.

8662. You heard he was a supporter of Colonel Higgins, and that Dunleavy was a tenant of his?—He is also a tenant of mine.

8663. Had you expected Dunleavy at your house that Sunday night?—I did not expect him until I saw him at Keltimagh with my son.

8664. You did not expect him?—Not that he would come to my house, but I expected he would vote for Mr. Moore and Captain Palmer; he promised me.

8665. When your son brought him to your house what did he say to you about Dunleavy?—My son stated to me that he came with him from Bohola to vote for Mr. Moore and Captain Palmer.

8666. How far is Bohola from your house?—Four miles.

8667. Bohola is nearer to Swinford than it is to your house?—Yes, certainly.

8668. How far did he come out of his way to vote for Mr. Moore and Captain Palmer; how many miles?—My son stated to me, that he stated at Bohola, that he would be taken away by Mr. M'Manus if he did not come.

8669. And therefore he came to your house?—Yes.

8670. You did not expect him?—I did not expect him; my son said he applied

applied to him to have him removed; he applied to him to take him away, or he would be forced away.

8671. Did they have supper, all of them?—I stated before that I do not know what they had.

8672. I ask you if you know that they had supper?—I do not know.

8673. Had they drink?—I do not know.

8674. You mean to state that to the Committee?—I told you before I do not think there was ever a man went to bed fasting in my house.

8675. By the *Committee.*] When was Mr. Moore's agent at Swinford?—I do not think he had an agent at all.

8676. Mr. *Edwin James.*] You were at the nomination?—I was.

8677. Did you see the Rev. Mr. Curley there?—I did.

8678. Was he standing upon the table?—I think there was a kind of bench or a place I think he was sitting on. Colonel Higgins's friends were on the bench, and Sir Richard O'Donnell was in front of the bench; and I think Mr. Curley was facing Sir Richard O'Donnell and Colonel Higgins's friends.

8679. Was he sitting in what is used as the witness box in the court?—No.

8680. Where was he sitting?—He was sitting, leaning, or standing upon the sitting place where the clerks sit in the court.

8681. Was he standing upon that place?—I cannot tell whether he was standing or sitting upon it.

8682. Was it a conspicuous place in the court-house?—It was.

8683. Did you observe whether he had a red handkerchief in his hand?—Indeed I did not mind what coloured handkerchief he had.

8684. Had he a handkerchief in his hand?—The only remarkable handkerchief I saw was Dean Burke's.

8685. What handkerchief was that?—It was an orange-coloured handkerchief.

Re-examined by Mr. *Buchanan.*

8686. With respect to the last answer of yours, I will take that first: Dean Burke, I believe, seconded or proposed Colonel Higgins?—He did.

8687. Now go back to Swinford. When you say that Mr. Curran could have stopped at Mulligan's, did you mean by that that Mulligan's was an hotel?—He accommodates gentlemen, I believe, with beds; I know the officer in command stopped at his house.

8688. Lodged there?—He did sleep there.

8689. By the *Committee.*] It is not an hotel?—I do not think it is a licensed one.

8690. A lodging-house?—Yes.

8691. Mr. *Buchanan.*] It is a place where many gentlemen stop; you say the officer did?—The officer stopped there I am aware.

8692. By the *Committee.*] But would a person not knowing the town go to such a place as that, or would he go to an hotel?—I think he was long enough in the town before the election to have procured lodgings, if he did not like to stop at an hotel.

8693. He would know that there were lodgings there?—Yes.

8694. Mr. *Buchanan.*] There are other lodgings to be got besides Mulligan's?—I believe there is scarcely a person in the town would not be glad to let his rooms.

8695. As to Cavanagh, you say you had employed him before?—Yes.

8696. I believe you filled the office of sub-sheriff for the county for some years?—I did.

8697. Cavanagh is a surveyor?—He is.

8698. Are you a receiver under the Court of Chancery?—I am.

8699. Did you ever employ Cavanagh as a surveyor upon the estates?—No, I was valuator of the union at Swinford, and I employed Cavanagh upon that occasion when I valued the union.

8700. Upon that occasion you employed Cavanagh as a surveyor?—I did.

8701. To assist in the calculations?—Yes.

8702. You say upon that account you were anxious about the man?—I was.

8703. And

8703. And you wished to put a stop to any further inquiries; the election being over?—Certainly; I did not like to have the man injured.

8704. With regard to this man who made the complaint, you say you did not see him at all, the man M'Nicholas, you only heard that he made a complaint?—No.

8705. You were asked whether a person of the name of M'Nicholas had not made a complaint?—I said I thought it was.

8706. You were not present at any complaint?—No, certainly not.

8707. The day that Mr. Moore was at Swinford, you say you dined at Dean Durcan's?—I did.

8708. I believe there is nothing very unusual in your dining at Dean Durcan's?—No.

8709. Nor the curates dining there either?—No; I have frequently met them there at dinner.

8710. We will now come to this matter at Castlebar, as to the resolution, you said that one of the clergymen lodges at Welsh's?—Yes.

8711. Who is he?—The Rev. Mr. Cahill.

8712. Are you intimate with Mr. Cahill?—I never knew much about him up to that time. I knew Mr. Cahill, but I was not very intimate with him up to a little before the election.

8713. Upon this evening you speak of, I think you say it was evening, did you go to Welsh's by any arrangement, or did you walk in in passing by?—We had no appointment to go there.

8714. Did you go there to hold any meeting?—No; we went to speak about matters generally.

8715. It is a fact that there was no meeting?—No; no meeting, except that we happened to go there and spoke of matters as they occurred.

8716. Sitting round this gentleman's table?—Yes, and took a glass of punch.

8717. Dr. M'Grale was there?—He came in after I was there.

8718. Did he come in by any appointment, or in consequence of any appointment made with you, or was it accidental?—He came in accidentally after being out attending some case in some place; he came in accidentally.

8719. I believe Dr. M'Grale is a dispensary doctor?—He is.

8720. This resolution that has been spoken of you saw in the room?—I did.

8721. I think you said that the clergymen, Mr. Cahill and Mr. Green, objected to its publication?—Mr. Cahill particularly, I thought, seemed to me to have an objection.

8722. That it should be published?—Yes.

8723. Mr. Sheridan, Dr. M'Grale, and yourself considered that for election purposes it ought to be published?—Certainly; I would make use of any document I thought would carry the election for my friend at the time.

8724. By the *Committee.*] Was Mr. Sheridan there before you?—Mr. Sheridan and I went together, and Dr. M'Grale came after in the course of some time.

8725. Mr. *Buchanan.*] Was that the first that you heard, or that you had seen, of this resolution?—Certainly.

8726. That was the first time?—The first time I ever saw or heard of it.

8727. You never saw it in print before that?—I never saw it in any shape before that.

8728. What I mean by that is, you never saw anything purporting to be a copy of that in print?—Certainly not.

8729. Dr. M'Grale prepared that placard, sitting there; wrote it himself?—He did.

8730. You spoke, awhile ago, of that resolution; I want to have it clear and distinct; was it this resolution at the foot, signed by the bishops, that Dr. M'Grale prepared, or was it the heading?—The heading; I know he wrote the heading.

8731. You know he wrote the heading to it?—Yes.

8732. And that having been written it was sent to the printer's; by whom?—It was agreed upon there to have it sent to the printer's.

8733. By Mr. Sheridan?—We insisted upon it; the laymen insisted upon its going to the printer's.

8734. Mr. Sheridan, Dr. M'Grale, and yourself?—Yes.

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8735. And accordingly it was sent?—Yes.

8736. Had either of the Roman-catholic clergymen in the room anything to do with writing the heading to this placard?—No; Dr. M'Grale wrote it himself.

8737. You got about a dozen of them after?—Yes.

8738. And as far as your memory serves you, there were one or two of those you gave away?—I think about three I gave away, not more; I think the rest remained in my pocket since.

8739. Do you remember whether you saw this posted anywhere in the town of Castlebar, or anywhere else (*exhibiting a placard*)?—I might have seen it in Castlebar.

8740. After that had been printed did you see that placard, or one like it, posted in the town of Castlebar (*handing a placard to the Witness, headed "People of Mayo Beware"*)?—I saw a placard signed R. A. O'Donnell; I cannot say whether this is the one, something purporting to be like that.

8741. By the *Committee.*] Is that signed R. A. O'Donnell?—Yes, that very one is; I saw one like that posted.

8742. You saw one like that posted with R. A. O'Donnell at the foot of it?—Yes.

8743. Where did you see it posted?—I saw it posted upon a gate close to the Infirmary at Castlebar.

8744. Mr. *Buchanan.*] Was it after that had been agreed to and printed, that you saw it?—It was.

[*The same was delivered in, and is as follows:*]

"People of Mayo! Beware! Of the false and slanderous letters and placards, that are being disseminated among you, purporting to be signed by some of the Catholic bishops; but are in reality forged! Instruments!! And the petty and miserable contrivances of a weak and avowed enemy of the people of Mayo!! *R. A. O'Donnell.*"

8745. You took some of your placards with you, and you produced one at the chapel?—Outside the chapel.

8746. Did you produce that until Mr. M'Manus had called Captain Palmer an Orangeman?—Certainly not.

8747. It was for the purpose of contradicting him?—He and Mr. O'Dowd both called Captain Palmer an Orangeman, and then I produced that to contradict that statement.

8748. What Mr. O'Dowd was that?—Mr. Tom O'Dowd.

8749. Is he the gentleman that was sworn in as one of the deputy-sheriffs?—I think he was deputy-sheriff at Erris.

8750. With respect to canvassing, you have been asked about Mr. Halligan; let me understand, you have said you were going towards Keltimagh on a car?—Leaving Keltimagh.

8751. You do not recollect whether Mr. Halligan was riding on the car, or on horseback?—I do not recollect whether he was riding on the car, or riding on the other side of my car.

8752. Did you go out to canvass by yourself?—I happened accidentally to meet Pat Moran, a freeholder, and I canvassed him for Captain Palmer.

8753. Did you go out with Mr. Halligan to canvass Pat Moran?—We were not going to canvass at all upon this occasion.

8754. You had not agreed with Mr. Halligan to go to canvass along with him, was that the fact?—Certainly not.

8755. Was that the case also with respect to another voter at Keltimagh, where you say you also canvassed a voter in his presence?—Certainly; we had no arrangement to go and canvass anybody at any time; I always considered I had as much influence myself in that locality as either of the priests, and I think I had.

8756. Now come to the question about the voters at your house; you canvassed for Captain Palmer?—I did.

8757. Did you threaten anybody to oblige them to vote for Captain Palmer?—I should be very sorry to do any such thing, nor would I have the slightest animosity to him if he voted for anybody else. I have never since upbraided him for the way he voted.

8758. You

8758. You have stated that you did not wish to see those persons at your house?—I have.

8759. For what purpose was it you did not wish to see those people?—I did not wish to know whether they were treated there, or whether they were not; whether they were treated there or not I do not know.

8760. By the *Committee.*] At your own house?—Yes.

8761. Mr. *Buchanan.*] Whether they had meat and drink or not?—I do not know whether they had or not. I know they were there.

8762. By the *Committee.*] Did you order them to get anything?—I made no order whatever.

8763. Mr. *Buchanan.*] You say they were not locked in?—I state they were not locked in.

8764. Could those men have left the house, so far as your knowledge goes, if they wished?—They could; and they need not come at all if they did not wish; but they asked for protection, and they were brought there, and that is the whole of it.

8765. Did you direct anybody to control those men, or confine them, or keep them at your house?—Certainly not.

8766. And so far as you know, were those all willing agents to come to your house?—They were; they asked me to take them, to get them brought to some place, that they would be protected.

8767. How do you mean to be protected?—For fear they would be taken away by the other party, and I know that there were many of them that were threatened by this man Cavanagh.

8768. Mr. *O'Malley.*] Were you present?—I heard my wife say that one of them came to the place.

8769. Did you hear him?—The voter was not present, but I heard Cavanagh say he would deprive the children, the sons, of the strips they had if they did not vote for Colonel Higgins.

Mr. *O'Malley* objected that this was not evidence.

8770. Mr. *Buchanan.*] Will you tell the Committee as to those voters that came in; had they promised you their votes before?—Certainly.

8771. They had?—Certainly; they told me most particularly that whoever I voted for, no matter who it was, that they would vote with me.

8772. In answer to my learned Friend, Mr. James, you said, as to those voters in your house, that men and women attended them?—Yes

8773. Do you mean servants?—Servants in my house.

8774. One word as to Cavanagh, at Swinford; when the stipendiary magistrate was present, and the question was asked about the firing, I think you said that Cavanagh said he had fired in his own defence; is that correct?—It is quite correct; he said he had got a slap from somebody, and he fired in his own defence.

8775. Did he ever deny that he had fired at all?—He did not deny it at all; I believe the stipendiary magistrate regretted that he acknowledged it; I swear that.

8776. Let us understand clearly about the court-house at the nomination; where the judge sits, was the place occupied by the high sheriff?—Yes.

8777. And immediately behind him, I believe, were Colonel Higgins's friends; were his friends standing upon the bench, and around the high sheriff?—Yes.

8778. Is there immediately under the bench a desk?—There is a table.

8779. And a desk where the clerk of the crown sits at the assizes?—Yes.

8780. Is that the desk you allude to, where you say Mr. Curley was standing?—I think Mr. Curley was leaning on that desk fronting Sir Richard O'Donnell, who was in front of the desk, turned to the high sheriff, and to Colonel Higgins's friends.

8781. Do you remember Dean Burke speaking?—I do.

8782. Do you remember whether or not Mr. Curley stood up and tried to get a hearing for Dean Burke?—He asked the people to be quiet, for they could not expect to get a hearing for Mr. Moore unless they gave all Colonel Higgins's friends a hearing, and so did Dean Costello.

 8783. By

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8783. By the *Committee.*] Had they any authority there, that they should get up and speak?—No.

8784. Mr. *Buchanan.*] Do you know whether Mr. Curley is a voter or not?—I do not know.

8785. Or Dean Costello?—I do not know.

8786. They are not in your barony?—No.

8787. Will you tell the Committee, did Mr. Curley act as fugleman upon that occasion to get the people to groan?—No; I saw nothing remarkable in his conduct, except that he joined whenever there was a cheer; he joined as well as anybody else.

8788. As anybody else in the court did?—Yes.

8789. By the *Committee.*] Did he give the time for the cheering when it ought to take place, and when it ought not to take place?—I believe the custom is generally at elections, that when a speaker is speaking, he is cheered when he makes use of sentiments that are liberal, or that the people approve. At that time I believe he was joining as well as the others. I saw nothing particular in his conduct.

8790. Mr. *Buchanan.*] Did you see anything remarkable in his conduct beyond the persons around the high sheriff, and in the galleries?—Nothing; I never saw so quiet an election in all my life. I thought there was nothing in it at all that anybody would consider was anything more than if they were proposing a poor-law guardian; it was unusually quiet.

8791. Mr. *O'Malley* (through the *Committee*).] How many servants have you ordinarily in your house, and what are their capacities, residing in your house?—There are three servant maids; there is the gardener, there is the ploughman, and there are two servant men.

8792. What are they?—One drives my car, and the other attends to my horses.

8793. Living in the house?—Living in my house.

8794. Living in this house with five rooms, ordinarily living in the house?—I have a barrack-room, and there are three or four beds in which the servant men sleep, in the barrack-room; there are three or four beds.

8795. In the house?—In the house.

8796. Where do the maid servants sleep?—The maid servants have a place allotted to themselves.

8797. There are four bed-rooms altogether?—Four bed-rooms; sometimes when there is a crowd in the house there are pallets made for some of the servants in the kitchen.

8798. Is there a kitchen besides the parlour?—Yes; and a pantry, and other small places.

8799. By the *Committee.*] With reference to these men that you had at your house and took off the next morning, had you a military escort for them, or a police escort?—No; on elections of this kind, I think I am pretty popular in the neighbourhood, and I did not see that an escort was required.

8800. You were popular?—I think so.

8801. In your own district; but if they were going beyond the district of your own popularity would they have been safe without an escort?—They appeared to be quite safe, they got to Swinford.

8802. At this meeting where this placard was drawn up, had you been talking about it before Dr. M'Grale came in?—I do not think we had; I do not think we spoke about it till Dr. M'Grale came in.

8803. Had you not spoken about it to Mr. Sheridan before he came in?—No; I knew nothing about it.

8804. Had you been talking to Mr. Sheridan about election matters?—Yes.

[The Witness withdrew.

Mr. *Edmund Henry Jordan* is called in; and having been sworn, is Examined by Mr. *Buchanan*, as follows:

Mr. *E. H. Jordan.*

8805. I BELIEVE you are the son of the last witness?—I am.

8806. Where do you live?—Bushfield.

8807. Are you a freeholder of the county Mayo?—I am.

8808. Are

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8808. Are you in the militia?—I am.

8809. What regiment?—The North Mayo.

8810. Is that Colonel Higgins's regiment?—It is.

8811. Did you vote at the last election?—I did.

8812. Whom did you vote for?—Mr. Palmer and Mr. Moore.

8813. Did you take any interest in the last election for either of the candidates?—No, not much; a little for Mr. Palmer.

8814. Were you canvassed by him, or anybody for him?—No.

8815. Were you canvassed by Mr. Moore?—No.

8816. Nor anybody for him?—No.

8817. Were you canvassed by anybody on the part of Colonel Higgins?—I was.

8818. Who is he?—Thomas William Kelly.

8819. He is an attorney?—Yes.

8820. Do you recollect being in Swinford, the Tuesday before the election?—I do.

8821. Was Mr. Moore there?—Yes, he was.

8822. Did you see him in the street?—I did.

8823. Can you tell me who was along with him?—I saw Mr. Durcan there; the Rev. Mr. Durcan; the Rev. Mr. Coglan, the stipendiary magistrate, I saw there.

8824. Mr. Curran?—Yes.

8825. Did you walk down the town?—Yes.

8826. Were there other persons present?—There were; I cannot tell all that were there.

8827. Were there others of Mr. Moore's supporters present?—There were.

8828. A number of other people?—A number of other people.

8829. Do you recollect being opposite Corney's hotel, and anything occurring?—Yes, I do. I recollect when Mr. Moore was passing by Corney's hotel, the Rev. Mr. Eames' son ——

8830. Did you see Mr. O'Dowd there?—No, not at that time.

8831. Mr. Eames, I believe, is a protestant clergyman?—He is; I saw his son there, and a great many more people at Corney's hotel: I heard the Rev. Mr. Eames' son and several more of Colonel Higgins's supporters at Corney's hotel, when Mr. Moore was passing by huzzaing for Colonel Higgins, and groaning for Mr. Moore.

8832. Did Mr. Moore do anything, or say anything?—Mr. Moore took off his hat, and told the people not to mind them.

8333. Was Mr. O'Dowd amongst them?—Not at that time; I did not see him there; I saw Mr. Cavendish, the attorney, there

8834. When you came again, did you see Mr. O'Dowd there?—Mr. Moore went to canvass round the town, and when he was coming back by Corney's hotel, Mr. O'Dowd was making a speech, speaking to the people, telling them that no person ought to vote for Mr. Moore, and asking them what good he did for the country; some words to that effect.

8835. I think you saw him sworn in as deputy sheriff, at Castlebar?—I did.

8836. Did they hear Mr. Moore very patiently?—The people stood there, and there were some people shouting for Colonel Higgins there.

8837. What did Mr. Moore say to the people?—Mr. Moore told the people not to mind him, to come on; some of the people offered to go back to the people to tell the people not to mind Mr. O'Dowd; I went back and told the people to come on; the people then went on, and Mr. Moore went on with his canvass through the town.

8838. Did you see anybody struck in the crowd?—Yes; when we were passing by, I saw a man knocked down by one Gavahan.

8839. Was the man that was knocked down on the side of Mr. Palmer, or on whose side?—The man that was knocked down, his father was a voter in the county Mayo, and he was a tenant of Mr. Moore's.

8840. Was the man favourable to Mr. Moore?—He is a tenant of Mr. Moore's.

8841. Did you pass the hotel a second time?—When the people were going to strike them, I told them not; I brought them away up to Mr. Moore, and he went up as far as the court-house, and then he returned back again, and we met one of the stipendiary magistrates in the street.

8842. You

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8842. You met Mr. Curran?—Yes.

8843. Did Mr. Curran speak to Mr. Moore?—He did.

8844. What did he say?—He said it was better; I cannot remember the exact words; he said something about that the people ought to be very quiet, and Mr. Moore said he thought they were, and I said I thought the people were very quiet; they never struck any one, and in passing by the hotel, I thought that Colonel Higgins's voters had no right to come out and strike one of Mr. Moore's tenants; some words to that effect, I cannot say the exact words.

8845. Was Mr. Ivor present at the time?—I am not sure whether he was or not; I think he was.

8846. Did you see a Roman-catholic clergyman present at the time?—I did; I saw two Roman-catholic clergymen present at the time.

8847. Did you see either of them strike the people with a stick?—No; I saw no man strike any people that time, nor afterwards; the two clergymen told the people to be very quiet, and Mr. Moore told the people not to strike a blow, but they might screech what they pleased; on no account to strike a blow.

8848. Do you remember being at Keltimagh on Thursday the 2nd of April?—I remember passing by the hotel door again, going back to where we came.

8849. Upon this second occasion, passing Corney's hotel, what occurred?—Mr. O'Dowd was speaking again to the people; lifting up his finger and pointing at us passing by.

8850. That was the deputy sheriff?—Yes.

8851. Had he any people about him at the time?—He had; I saw several voters there too.

8852. Did they hoot?—They all hooted, and there was water dashed out upon us as we were passing the hotel.

8853. Now go on to Keltimagh; were you at Keltimagh on Thursday the 2nd of April?—I was.

8854. Do you remember seeing Archdeacon Coglan there?—I do.

8855. Were you in the town before him, or was he there before you?—I was in the town before him.

8856. Did you see him drive in?—No; I did not see him drive in; but I saw him outside the Rev. Mr. Halligan's door, in a car, just after coming in.

8857. Was your father along with Archdeacon Coglan?—No, not at that time.

8858. Do you remember any occasion on which your father was along with Archdeacon Coglan?—I do.

8859. Did Archdeacon Coglan address the people?—He did.

8860. What did he say?—He said something that they were all aware about the election; that they knew there were three candidates; he told them who they were, and he asked them to support Mr. Moore and Mr. Palmer.

8861. Did you see a person of the name of Cavanagh there?—I did.

8862. Was he a supporter of Colonel Higgins?—I saw him canvassing for Colonel Higgins; he did not vote.

8863. Was he present when Mr. Coglan was speaking?—He was.

8864. Was there any interruption to Mr. Coglan?—Mr. Coglan was hardly allowed to speak at all.

8865. Do you know Mr. Joseph Browne?—I do.

8866. He is a gentleman residing near Keltimagh?—He lives in the barony of Costello.

8867. Did you hear him offer any interruption?—I did frequently.

8868. Was he amongst the crowd?—He was, and a man named Ambrose Lavin, and Pat Lavin, of Keltimagh, supporters of Colonel Higgins.

8869. Lavin was a witness examined the other day?—I do not know if he was examined; I saw him outside in the gallery.

8870. Did you after that see your father in company with Archdeacon Coglan addressing the people?—I did.

8871. Did you recollect your father saying anything to the people?—No; he went and introduced Mr. Coglan to them; that is all I heard him say.

8872. Did you hear him speak to the people himself?—No; I do not think he did say anything more than I have told you.

8873. At the time you were present you did not hear him say anything?—No.

8874. Did

8874. Did you see Cavanagh canvassing for any voters?—I did.

8875. Who do you recollect he canvassed?—I recollect he came to the house of one John M'Nicholas, of Keltimagh, a freeholder of the county Mayo.

8876. Did he find M'Nicholas in?—M'Nicholas asked me——

8877. Did he find M'Nicholas in?—He did.

8878. Did he speak to M'Nicholas in your presence?—He did.

8879. What did he say?—He told M'Nicholas if ever he voted for Moore or Palmer, that his landlord, Mr. Dean, would dispossess his mother.

Mr. *O'Malley* objected that this had not been opened by Mr. Montague Smith as a counter case against the petitioners, and therefore could not be gone into.

Mr. *Buchanan* contended that he had a right to show that he was an agent.

The *Chairman* stated that Mr. Buchanan had no right to show anything that the opening speech did not indicate.

8880. Mr. *Buchanan.*] Were you in Castlebar the day of the nomination?—I was.

8881. Have you been at any previous nominations?—I have; two.

8882. At Colonel M'Alpin's?—I was at Colonel Higgins's nomination when he was returned first; the first election for Mayo.

8883. Colonel Higgins's election in 1850?—I do not know the date.

8884. That was the contest with Mr. Butt?—Yes.

8885. And you were also at Colonel M'Alpin's election?—I was.

8886. Was the town of Castlebar as quiet at the last election as upon either of those?—On my oath, I never saw Castlebar half so quiet as it was on the last election.

8887. By the *Committee.*] How old are you; what is your age?—I do not know exactly my age.

8888. About?—I think it was about 20.

8889. Do you remember anything of an election which took place in the year 1850?—I do.

8890. Distinctly?—Distinctly; and I recollect an election before that.

8891. Mr. *Buchanan.*] Were you in the habit of coming to Castlebar?—I was.

8892. Have you relatives residing in the town?—I have.

8893. Were you in the court-house at the nomination?—I was.

8894. Did you hear Captain Brabazon speak upon that occasion?—I did, and Sir Richard O'Donnell.

8895. Was that speech very complimentary to Mr. Moore, or not?—No; I think not.

8896. Do you know Mr. Lee, the conducting agent for Mr. Palmer?—I do.

8897. Do you know the high sheriff, Captain Higgins?—I do.

8898. Were you present when Mr. Lee made any application to the high sheriff?—Colonel Cree; I was by when he made the application to him.

8899. Did he make any application with regard to the barony of Tirawley?—He asked to have two deputy sheriffs in the barony of Tirawley.

8900. Did he grant the application?—No.

8901. He refused it?—He did.

8902. Now I come to the question of Dunleavy; do you know a voter of the name of Michael Dunleavy?—I do; he is a tenant of my father's.

8903. With respect to Dunleavy, when did you see him first?—First I saw Dunleavy on the Saturday previous to the election.

8904. Where did you see him?—I saw him on the street of Bohola; Mr. M'Manus was by; he saw him too; he was there.

8905. Had you any conversation with him?—Yes. Mr. M'Manus was in the street; some people told me that Mr. M'Manus was wanting him to go with him to Swinford, and I came up and told Dunleavy not to go with him to Swinford. Mr. M'Manus will remember this himself.

8906. Do you know whether Dunleavy is a tenant of your father's?—I know he is. I told him not to go. I told him to go home with his wife, and to stay at home until he would go in on Monday with me to vote.

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8907. Did you canvass him?—I did.

8908. For whom?—For Captain Palmer; and I asked him to vote for Mr. Moore.

8909. What did Dunleavy do?—I came down to Bohola on the Sunday previous to the first day of polling in Swinford, to see Miles Jordan, Captain Palmer's agent.

8910. By the *Committee.*] Is he a relation of yours?—He is an uncle of mine; to ask him what time would the voters go in, or how would they go in to Swinford, and he told me that it was arranged that they would go round by Bohola, and I told Dunleavy then to go home, and his son told me he was afraid to go home; he was afraid he would be taken away by Mr. M'Manus, or by some of Colonel Higgins's people; Ambrose Lavin, or some others; then there were cars coming out from Castlebar to bring the freeholders next day; any of those that had not a conveyance to bring them in to Swinford to vote; and Dunleavy's son said he might as well go up with me, and the son himself went in one of the cars up to my father's house.

8911. Did Dunleavy go on one of the cars to your father's?—He did.

8912. Did he remain there that day and night?—It was on the Sunday he went up; he remained there till next morning.

8913. Did he go in along with other voters, on the cars with you?—He did; Mr. Ormsby and Colonel Cree were in before us, just on before us.

8914. Were you on the car with Dunleavy?—No; I was in the first car, and Dunleavy was just behind me.

8915. On the car behind you?—On the car behind me.

8916. Where did you drive to when you came in?—I remember when I first came into the town, several people came on to meet us; some people came on to meet us on the road; they told us there was a great mob in the town belonging to Mr. Strickland.

8917. Who is Mr. Strickland?—He is the agent, I believe, to Lord Dillon.

8918. Do you know if he was a supporter of Colonel Higgins?—I know he was a supporter of Colonel Higgins, because I saw him bringing up the people to the poll; another person then came out, to tell us to come up to the court-house door, a man that I never saw before or after; he told us we were ordered to come up to the court-house door, and on coming up to the court-house door I came on with the first car; I think there were 10 or 12 cars.

8919. Did you drive up to the court-house door?—We did.

8920. Direct your attention to the car on which Dunleavy was when you came up to the court-house door: did any persons come up to the car on which Dunleavy was?—No. The first thing I saw when I came off the car, a man came up to me and said, "Where is all your freeholders now?" says he. "They are all on the car," said I.

8921. As to this voter, Dunleavy: I asked you, who did you see about the car; did you see any gentlemen?—I want to tell the way it occurred.

8922. Did you see any gentlemen about the car on which Dunleavy was sitting?—I saw them beyond the car on which Dunleavy was sitting; I saw Dunleavy's coat torn off him.

8923. Did you see anybody do that?—I saw Ambrose Lavin, and I saw Mr. George James O'Malley.

8924. Is Lavin the under agent of Mr. Taaffe?—He is.

8925. Mr. George James O'Malley?—Yes.

8926. Is he a magistrate?—He is a magistrate.

8927. Who else?—Mr. Francis O'Grady.

8928. Is he a magistrate?—He is.

8929. Did you see Mr. Philip Taaffe?—I did.

8930. Is he a magistrate?—I believe he is.

8931. Did you see Mr. Charles Strickland?—I did.

8932. Is he a magistrate of the county?—He is.

8933. Will you tell me; you say you saw Dunleavy's coat torn?—I do not know whether it was torn or not; I know it was all dragged off; but there were about 20 or 30 people round him; I think there was not one of the 20 or 30 who did not try to catch hold of him.

8934. Did those gentlemen take any part?—Yes, when I thought to get in to Dunleavy through the people I got my coat torn.

8935. State anything these gentlemen did in the first instance?—They threw Dunleavy about.

8936. Who?

8936. Who?—Well, I cannot remember, there were so many of them having a hold of him.

8937. They were those gentlemen that you allude to?—All those gentlemen I allude to had hold of him.

8938. Caught hold of him?—They were round Dunleavy.

8939. Did you see him dragged off the car?—He was off the car at this time.

8940. Did you observe anything the matter with his face?—He was very red in the face.

8941. When he was off the car, what else happened?—They drew him into the court-house.

8942. By the *Committee.*] Was he dragged off the car?—I did not see him get off the car; I saw him off the car.

8943. Mr. *Buchanan.*] Then you say he was forced into the court-house?—He was forced to the court-house door; I went up with him to the polling-place.

8944. Who was with him at the time he was brought to the court-house door?—There were two magistrates before him, and two after him.

8945. Who were the two gentlemen that led the way?—I cannot say which of those four gentlemen; I will swear that the four magistrates were on the stairs together.

8946. Did you get up?—I did get up.

8947. This was the Gallon booth?—This was the Gallon booth.

8948. Where was that booth held?—It was held in a small room in the court-house; I believe it is the grand jury room.

8949. Was there a narrow stairs up into it, or what sort of stairs?—Very narrow stairs.

8950. Going up to this room?—Yes.

8951. As those gentlemen went up, and Dunleavy between them, you say you followed?—I was in the middle; I was next Dunleavy.

8952. When you got into the booth, what occurred?—When I got into the booth, to the best of my opinion, Mr. Taaffe caught hold of Dunleavy in this way and dragged him.

8953. Who was the sheriff in the booth?—Captain Brabazon.

8954. Did you address the sheriff?—Yes.

8955. What did you say?—I told the sheriff that this was a man who came to vote and he had a right to be put on the poll; Mr. Taaffe caught hold of the man when I brought him into the place; I told him he had no right to take him; he said he was a tenant of his, and I said he was not, he was a tenant of mine; his son holds land from Mr. Taaffe I believe.

8956. What did you say to the sheriff?—I told the sheriff that this was a man that came to vote, and Captain Brabazon screeches out in the court, "Put that man into the dock."

8957. To you?—Yes; and Mr. Taaffe was speaking very loud at this time and said, "No, you shall not drag him;" another man came up with an immense stick; it was through there all the freeholders that used to come up to vote should go; up between two men; one was Dugan and the other Horham.

8958. You say all the freeholders that came up to vote passed between them?—I mean Moore's and Palmer's freeholders; I do not mean Colonel Higgins's freeholders.

8959. When the freeholders who were going to vote for Moore and Palmer came up, they were obliged to pass in there you say?—Supposing this table, it was three times more room than this; the bench occupied half the room, and then the table came out about half across, and there was a railing here, and that small little space in here in the corner was for Moore and Palmer's people to go and the public; it was there they were admitted; Colonel Higgins's freeholders were up on the bench and kept there.

8960. Was that the bench that the sheriff was sitting at?—That was the bench the sheriff was sitting at; the sheriff was talking to the freeholders as they came up.

8961. You say that the voters that came in to vote for Moore and Palmer had to pass by those two men?—Those two men; one was placed here and another man here; and this was the table and the railing here, and the men for Moore and Palmer used to come up here; and I heard several of the people that came in to vote complaining that their feet were tripped and the sticks struck upon their feet when they used to vote for Moore and Palmer.

 8962. These

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8962. These two men, Horhan and Dugan, in whose employ were they?—I do not know; if any man voted for Moore and Palmer he would be groaned by them and by gentlemen on the bench, and when they would vote for Colonel Higgins they would be cheered.

8963. Did those two men join in the cheer?—They did.

8964. Did Dunleavy come up to vote?—He did.

8965. At the table?—No; Dunleavy was drawn in and put up on the bench along with Captain Brabazon. Captain Brabazon is outside; he knows this is a fact.

8966. Dunleavy was put upon the bench behind the deputy sheriff?—On the side of the deputy sheriff, sitting on the same line with the deputy sheriff.

8967. Was it from that he voted?—No. I saw Dunleavy; they failed to make Dunleavy vote at that time; I saw him out again afterwards, outside, and spoke to him again; I told him; "Well," says he, "I was told by Mr. Taaffe and by Mr. Phare and by Mr. Lavin if I did not plump for Colonel Higgins that I would be served with a notice of ejectment, and Dunleavy told me since he has been served." "Well," says I, "Dunleavy, take my advice, sooner than see you turned out of your land," says I, "go home and don't vote at all."

8968. Were you anxious he should vote for Moore and Palmer?—No; I told him if he did not vote for Palmer to go home and not vote at all.

8969. Do you know whether he voted or not?—I afterwards saw him vote.

8970. For whom did he vote?—For Colonel Higgins and Mr. Moore.

8971. A word as to this bench on which the sheriffs sat, and upon which Colonel Higgins's voters were brought up, and you say were placed behind the deputy sheriff?—They were placed on it with the deputy sheriff, some behind and some before, supposing the bench came half across the room.

8972. Did it reach from wall to wall?—It reached from wall to wall, as far as I could see.

8973. At the time Dunleavy was on the bench did you see anything occur?—I saw several people on the bench talk to him; I could not hear what they said.

8974. Did you hear any cheering or groaning at the time that they were there?—I did hear cheering on the bench.

8975. By the *Committee.*] Do I understand you to say you voted yourself?—I did.

8976. Did you vote?—I did; I saw people voting there that were only 13 years of age; to the best of my opinion they were only 13 or 14 years of age; young Mr. Brabazon, his father told me he was only 13 years of age; I will swear that; why had not I as much right to vote as the others, when I saw them voting under age? If any one is a judge, the sheriff ought to be a better judge than his own son, that he polled them at 14 years of age; he ought to know the age of his own son better than anybody else. I saw another young fellow vote, and his aunt told me that he was only 12 years of age; his aunt told me that he was only 13 or 14 years of age.

8977. Mr. *Buchanan.*] Do you remember now the second day of the polling; did you see Mr. Strickland on that day?—Yes.

8978. Mr. Thomas Strickland?—Yes.

8979. Mr. Thomas Strickland was the deputy sheriff in the Costello booth?—Yes, I saw him.

8980. Now did you see Mr. Thomas Strickland bring up any voters to the poll?—I did.

8981. Now who were these voters for?—They plumped for Colonel Higgins, to the best of my belief; I saw them plump; I saw them vote for Colonel Higgins; Captain Brabazon made some remark upon his bringing them up.

8982. Now, did he bring the voters into Captain Brabazon's booth?—Yes.

8983. It was in the Gallan booth that they were polled?—Yes; the deputy sheriff brought up people to vote, and they voted in the Gallan booth.

Cross-Examined by Mr. *O'Malley.*

8984. Are you in the militia?—I hold a commission.

8985. Are you in the militia?—I hold a commission; I am not in them now.

8986. Now, do try and answer me directly, and I will feel obliged to you?—I will.

8987. Are

8987. Are you in the militia, or are you not?—I hold a commission.

8988. Are you in the militia, or are you not?—I hold a commission.

8989. Are you in the militia, or are you not?—I hold a commission. I cannot swear. I do not know whether I am or am not.

8990. Do you mean to swear that you are an officer?—I have a commission the same as Colonel Higgins.

8991. Do you mean to swear that you are an officer?—I cannot give you any other answer than that.

8992. How long did you serve in the militia?—Well, I cannot say the exact time; I do not know.

8993. About how long have you served in it?—I do not know. I will go as near as I can to it.

8994. I will not limit you to a day or two; how long did you serve in the militia?—I got a commission in the South Mayo first; the year before I took it in the north.

8995. How long did you serve in the militia?—I think about three months.

8996. Now, Bushfield is your father's house?—Yes.

8997. Do you live with your father?—I do.

8998. What business do you carry on?—I farm my farm.

8999. Have you a farm of your own?—Yes, I farm with my father; I farm the same land.

9000. Have you land of your own?—I keep stock of my own upon the land.

9001. About how much?—About how much; what has that to do with this case?

9002. I wish to know; I am curious upon that subject, you see?—I think I have very near a score of heifers there.

9003. How much land have you?—Oh, yes, I see. My father, I think, farms from Lord Lucan and Sir Roger Palmer, 400 acres of land.

9004. Your father holds under Lord Lucan and Sir Roger Palmer?—Yes.

9005. He is a tenant of theirs?—Yes; and he has some property of his own too.

9006. What is the land of his own that he farms?—Well, I could not say exactly what it is.

9007. Tell us about what it is?—I do not know.

9008. You do not know that?—I do not know that.

9009. But you can tell me about what it is?—He has that, I am aware, and he has his own for nothing.

9010. I will not press you very closely, but about how much has he?—I could not say exactly.

9011. I did not say, "exactly;" tell us about. I did not say, "exactly;" tell us about how much he has?—He has, I think, nearly 100 acres; he has 50 or 100 acres altogether.

9012. Fifty or a hundred! There is a large difference between the two?—I will say 50; he has leasehold besides that, quite as valuable as his freeholds.

9013. Now, how many rooms have you in the house at Bushfield?—I will tell you; six, I think.

9014. You say six?—Yes.

9015. What are they?—Parlour, bed-rooms ——

9016. How many bed-rooms?—Five, four—stop; I will see.

9017. How many?—Four.

9018. Four bed-rooms?—Yes.

9019. What is the other room?—Parlour.

9020. And a kitchen?—Yes; it is a thatched cottage.

9021. Which is? the house is?—Yes; the house.

9022. A thatched cottage?—Yes.

9023. Are the rooms up-stairs the bed-rooms?—Yes.

9024. There are how many?—There are two up-stairs.

9025. And two on the ground floor?—Yes.

9026. Which do you sleep upon, the ground floor or up-stairs?—Up-stairs.

9027. Who occupies the other rooms up-stairs?—I sleep at one end of the house, and some people of the house, servants, sleep at the other.

9028. But I want to know who occupies them?—I cannot swear exactly who sleeps in it; I will swear that I sleep at one end of the house.

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9029. It is your father's house?—Yes.

9030. Do you mean to tell us that you do not know who sleeps in the same floor with you in your father's house?—It is not all on the same floor.

9031. Is it up-stairs?—It is up-stairs, but it is in one end of the house; I sleep in one end of the house; I was not up there for the last six months.

9032. I ask you who sleeps there?—The servants in the house.

9033. Are they maid or man servants?—They are male servants.

9034. How many?—I could not say how many—six or eight.

9035. Six or eight maid servants?—No; I said male servants.

9036. Are they the male servants that sleep in this house?—Yes; working boys and men that work on the farm; men that work outside.

9037. Are there any domestic servants?—Yes; the steward sleeps there.

9038. Who do you call the steward; the man that is overlooking the labourers?—Yes.

9039. He sleeps there?—Yes.

9040. And the ploughman?—Yes.

9041. The gardener?—He is the gardener and steward both.

9042. The steward is steward and gardener?—Yes.

9043. Do they all sleep in that house?—Yes; in that room.

9044. Their business is outside the house, all of them?—Yes.

9045. They attend to the out-door work?—Yes.

9046. Now, excuse me for being so curious as to ask who sleeps below?—My father sleeps underneath that.

9047. Who else?—Some other.

9048. Who else?—No more.

9049. Where do the female servants sleep?—They sleep in the room inside the parlour.

9050. Inside the parlour, on the ground floor?—Yes.

9051. That is one of the bed-rooms on the ground floor?—Yes.

9052. And your father and mother in the other?—Yes.

9053. Now, we have got the four rooms filled; those are occupied by the family?—Yes.

9054. Now, the night before you went to Swinford, how many men were in the house?—I will tell you; I knew what you were about before.

9055. Did you?—Yes; six; I will tell you the way, if you wish it.

9056. I want to know?—You had some of them here, and why did you not produce them?

9057. I think you had better be quiet, and answer my questions.—I will tell you.

9058. You had better be quiet. How many people were there?—I cannot swear.

9059. You cannot swear that?—I cannot swear how many till I know how many. I cannot swear how many till I see how many there were there.

9060. If you knew what I was coming to, you ought to be prepared to answer my question. I ask you how many there were there?—I think there were five or six.

9061. Will you undertake to swear that there were not more than five or six people there? I feel less delicacy in saying, on your oath, were there not more than five or six, because you have volunteered that five or six times yourself. I ask you how many there were?—There were not more,

9062. Were there not more than five or six?—There were not more.

9063. Will you swear that there were not more?—I do not think it.

9064. Will you undertake to swear that there were not ten?—I will.

9065. You will swear that?—I will.

9066. How many were there, as you are positive about it?—Do you want their names?

9067. No; I do not want that, I want to know how many there were that you will swear to?—To the best of my opinion and belief, there were only five.

9068. Now, did you go to bed that night?—I did.

9069. At what time did you go to bed?—I should say about 10 or 11 o'clock.

9070. You can tell us, perhaps, with greater certainty?—I could not say exactly.

9071. And you say that you left five up?—Five or six.

9072. Five

9072. Five or six?—I cannot say which.

9073. Now, had you supper before you went to bed?—No; not since I got tea, about seven o'clock.

9074. Did those voters get supper that night?—I was not at home; I was over at Cornhill with an uncle of mine. Mrs. Burke was not at home.

9075. You say that you were not there in the evening, but that you slept there that night?—I did.

9076. I ask you, had the voters anything to eat?—On my oath, I did not see them eating anything.

9077. On your oath, did you order anything for them?—I did not.

9078. Who has the care of the provisions; who is housekeeper?—My mother is.

9079. Do you mean to tell those gentlemen here, on your oath, that you do not know whether those gentleman had anything to eat there that night or not?—On my oath, I did not see them eating.

9080. You did not see them eating?—I did not see them either eating or drinking in that house.

9081. On your oath, will you swear that you did not see them eating or drinking?—On my oath, I will swear nothing but what I saw.

9082. But you have already sworn a great deal that you did not see.—No, I have not; nothing.

9083. Will you, on your oath, say that you do not know whether they had anything to eat or not?—I have given you my answer; I swear, on my oath, that I did not see them eating that night.

9084. The question is, whether you swear, whether you take your oath, that you do not know whether they had anything to eat or not?—I will take my oath that I did not see them eating anything; and what I did not see I will not swear.

9085. You will swear that you do not know whether they had anything to eat?—I will not swear what I did not see; I suppose you want people who come here to swear anything they did not see; I am not going to swear anything that I did not see; I will swear nothing but what I saw.

9086. Will you swear, I ask you again, whether you did not see them eating or drinking?—I swear, on my oath, that I did not see them either eating or drinking that night.

9087. I suppose you took care to go to bed beforehand?—No; I saw them in bed first.

9088. Were you with them from the time you came in until you went to bed?—I was not.

9089. Did you, after you brought them there, leave them there?—They came with me there; and Mr. Ormsby, of Ballinamore, came to the river, which is immediately behind our house. He sent me over his man.

9090. We do not want all that; I want you to confine yourself to the questions that I put to you?—I want to explain that, but you will not let me.

9091. I ask you, when did you bring them there?—I brought them there about six o'clock, I think; one about eight o'clock I brought.

9092. Did you bring them there about eight o'clock?—Some of them.

9093. Which of them did you bring there at eight o'clock?—A man you had here, named Kelly.

9094. A man named Kelly?—No; I did not bring Kelly.

9095. Who did you bring there at six o'clock?—Kelly came there about 12 o'clock.

9096. Do you mean 12 o'clock at night?—Yes.

9097. Now, you are breaking your promise. You told us that you would not swear to anything you did not see; and you say that you were in bed at 12 o'clock?—I say that I let in Kelly at 12 o'clock at night.

9098. Did you get out of bed to let him in?—And who else would you require to get out of bed?

9099. Do you think you are doing yourself credit by answering in that way?—No; I think I am going to tell the truth.

9100. I ask you, did you get out of bed to let him in?—Yes.

9101. Did you get out of bed to let him in at 12 o'clock at night?— I cannot say the particular hour. I did not go to bed till after 10 o'clock myself.

9102. Were there not persons to open the door nearer at hand than you were?—No. I did not see Kelly opened the door for.

 9103. How

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9103. How did you happen to come down from above stairs to open the door when there were so many servants in the house?—Because there was only one room between me and the door.

9104. Did Kelly knock at the door?—Some one knocked at the door.

9105. Some one knocked at the door?—Some one did; but I cannot swear it was he.

9106. Now, who brought him to the house?—To the best of my opinion, I met Kelly in Kiltermaugh first.

9107. I ask you who brought him, that is my question?—His son-in-law brought him, to the best of my opinion.

9108. Did his son-in-law bring him at 12 o'clock?—I do not say 12 o'clock; I said in or about 12 o'clock.

9109. Did you expect him?—I did not expect him till morning, but I thought he might come.

9110. You say that you did not expect him, but that you thought he might come?—Yes; I thought he might come. You can produce him if you like.

9111. And you thought that his son-in-law might bring him?—I did not think it; and I did not know that he would come at all that night.

9112. Who was he to come with next morning?—He came into my father's house, and told my father that he would give him his vote.

9113. Who did you expect to bring him, upon your oath?—On my oath, I did not expect any one would bring him till the morning.

9114. And you were woke by the knocking?—Oh! I did not sleep much.

9115. You did not sleep?—No.

9116. Did you take a look at the freeholders?—Not till the morning.

9117. Where were they sleeping?—They were in the parlour and kitchen, I think it was, they might come to the parlour, if they wished it, and stop for that night; they were in the kitchen when I went up.

9118. Did you look in upon them when you got up?—Yes; they were smoking down stairs.

9119. They were up all night, were they not?—There was a pallet on the floor, and some of them were stretched on the pallet.

9120. Is that the explanation; did you not say that you saw them go to bed before; that you saw some of them go up-stairs?—I saw some of them stretched on a pallet and some of them were smoking.

9121. And that is what you meant by saying that you saw all of them go up-stairs?—Yes.

9122. They were smoking when you went in at 12 o'clock at night?—Do you mean when I came down at 12 o'clock?

9123. Yes.—It was not twelve o'clock; it was about that time.

9124. It was about 12 o'clock?—It was something in or about that.

9125. And some of them were smoking?—Some of them were smoking.

9126. You say it was something in or about that; what time was it?—I can't swear exactly what time it was; I went to bed; I do not know the exact time it was.

9127. You say that in or about 12 o'clock you came down and saw them smoking?—Some of them.

9128. Some of them were smoking?—Some of them were smoking and some stretched on the bed.

9129. Were they smoking dry?—I saw them drinking nothing.

9130. Did you see nothing there?—I saw nothing there.

9131. On your oath?—I saw nothing there except fire and tobacco; I do not know who bought the tobacco; I saw them smoking tobacco.

9132. Could there be anything there without your knowledge?—Not on the table, or any place that I could see.

9133. You can undertake to swear that they had nothing to drink?—I cannot undertake to swear that they had nothing to drink.

9134. Then were they all sitting there sober?—I saw no one drunk; Dunlevy was half drunk before he came at all, but I gave him nothing while he was there.

9135. Am I to understand that you brought Dunlevy half drunk to your house; did he get sober before he came to your house?—On my oath he was not as drunk, to the best of my opinion, when he was at my house, as he was when I saw him at Bohola.

9136. It

9136. It was there you saw him?—Yes.

9137. You say that he was drunk when you saw him?—No; I did not say that.

9138. You said half drunk?—No; I said tipsy.

9139. You never said tipsy?—I meant half drunk.

9140. Then, in point of fact, you took a half drunken man to your father's house to spend that night?—I took him because he was a tenant of my own.

9141. Were there any of the rest of them in that state?—No more.

9142. Did he get any more drink while he was there?—No; I think he got sober.

9143. I suppose you conversed with him for the purpose of ascertaining that?—No.

9144. Then how did you ascertain that he had got sober?—I judged it by his appearance.

9145. Was that at twelve o'clock at night?—I saw him at ten o'clock at night and at nine o'clock at night.

9146. Now, at twelve o'clock at night, in what way was he then?—He was, I think, sober.

9147. He was sober at twelve o'clock?—Yes.

9148. Did you see them again during the night?—No.

9149. You did not?—No; not till morning.

9150. What time in the morning did you see them?—We left at half past six or seven o'clock.

9151. Now, who was in the room besides those voters when you saw them at twelve o'clock at night?—I think there was one Carr, as well as I remember.

9152. Who is Carr?—He is a man that does some business with my father.

9153. He does business for your father?—Sometimes.

9154. Was he there for the purpose of taking care of them?—He was there with them.

9155. Was he there for the purpose of taking care of them?—No.

9156. Then what was he there for?—I do not know what he was there for.

9157. That is on your oath?—Yes.

9158. You swear that you do not know?—No. He had been in the house till I came in, about nine, or half-past nine o'clock.

9159. Now, were there servants in the house with him?—No more than five or six freeholders and this man.

9160. And they were in the parlour too?—There was one man.

9161. Were the servants there at twelve o'clock at night?—No.

9162. Were there any of the servants there at twelve o'clock at night?—No, they were in bed; I can't remember.

9163. Do you mean to swear that on your oath?—Yes.

9164. I ask you whether there were servants or were there not?—There might be.

9165. Are you a son of that gentleman who was here before?—Yes.

9166. Upon your oath, I ask you, were not the servants attending on them all that night?—On my oath, I only walked up straight, after I came in from Mr. Ormsby's.

9167. I am asking you when you came down at 12 o'clock at night?—I only opened the door, and walked up again. I had no light at all, but I saw Kelly and the other man; I opened the door.

9168. Then you did not go into the parlour?—I did, to go up to my room.

9169. You say that you had no light?—No light in the parlour, except the fire.

9170. Am I to understand that they were sitting smoking their pipes in the dark?—They were sitting in the parlour, smoking their pipes; there was a good fire in the parlour; I asked them where was the candle, and they told me that it was gone down to the kitchen.

9171. There was one of the men who, at all events, went down to the kitchen with the candle?—Yes.

9172. Do you mean to swear that there were not other men in the room?—I did not see them; they might be in it without my seeing them.

9173. Will you swear that you did not see other servants in that room?—I have sworn that before.

9174. I asked you to swear it again?—I do. I did not see them.

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9175. Who else was there besides Carr and the servants?—I do not know any more.

9176. When did he come?—He was paid by Mr. Palmer at the last election.

9177. And he was in the care of those men at your house?—He was stopping there. On my oath, the reason that any one was in care of them was because the men were afraid of their lives; they were afraid that Mr. Higgins's people would come and take them away.

9178. There were people, then, taking care of them?—Yes, Carr was taking care of them. They said that they were afraid that the others would come and shoot them.

9179. There would be no chance with Colonel Higgins's men; is this Carr a giant?—He is a pretty tall man.

9180. Do you mean to say that the poor freeholders were frightened?—No; they were not poor or frightened; they came voluntarily themselves.

9181. The frightened, the terrified freeholders?—No; that is your idea, but it is not mine, I can assure you.

9182. You said just now that they were afraid of being taken away?—I told you that the people were afraid of stopping at home that night, because if they did they would be taken away.

9183. You told us of the necessity of Carr stopping there to take care of them?—In case any of Colonel Higgins's people should come; if they did come they would not go safe.

9184. Then the only guard over them was Carr?—Yes, to the best of my opinion.

9185. He being there, and you having to pass through the parlour to the outer door, can you account for it that Carr did not open the door instead of your getting out of bed and going down stairs to open it?—No; I had some talk outside the window.

9186. Then there was not any knocking?—No; and then there was knocking; I said I heard some noise outside the window, and then I went down and went out.

9187. It was hearing the noise outside that made you get up; is that it?—Yes; I would not get up for knocking at the door; I went down when I heard the knocking, and I opened the door, and let them in.

9188. Now, how long did you say you were in the militia?—I said about three months.

9189. You said that about half-past six they started?—It is from the Lieutenant I got it.

9190. I ask you how many started in the morning?—How many started?

9191. Yes.—I think, to the best of my opinion, that there were 30 freeholders in the car.

9192. Did they start from your father's house?—No.

9193. Where then?—Cars came over that night; Mr. Palmer's cars came over that night, and told us that they could get no accommodation in Kiltermaugh; they had blood about their heads.

9194. They came over at night?—Not at night.

9195. Not at night?—They came back in the evening.

9196. At what time?—About five or six o'clock.

9197. How many?—Six or seven cars.

9198. Full of men?—No; not one but the driver; they thought that they could get accommodation at Kiltermaugh, and they could get none.

9199. Did six or seven cars start from your father's house in the morning?—Yes.

9200. How many in each car?—There was only five or six in the whole; none at all on them; one or two on several; it was either six or seven.

9201. How far are you from Kiltermaugh?—A mile and a half.

9202. Did you fill the cars there?—Not there.

9203. Did any priests join you there?—In Kiltermaugh?

9204. Yes.—Mr. Molarchie, Mr. Hallegan, and a clergyman, Mr. Forster, and Mr. Ormsby.

9205. Were there any one but voters on the cars?—Yes, there was, going into Bohola.

9206. Before you went to Bohola, when you started from your own place, were

were there not half-a-dozen; will you swear that there were not half-a-dozen?—Two or three; I never thought there would be such a thing as this.

9207. Will you swear that there were not as many as half-a-dozen?—To the best of my opinion, there was not; I will not swear exact; I will not swear there was not half-a-dozen; to the best of my opinion, there was not.

9208. Was Mr. Carr one of them?—Yes.

9209. And any of your servants?—No; to the best of my opinion, there was only Carr; there might be two or three, but to the best of my opinion, there was only Carr.

9210. Was your father there?—Yes.

9211. Is your father very popular in that neighbourhood?—I thought that he was before, but at the election I thought he was not.

9212. Perhaps they did not know you to be your father's son there?—Oh yes, they did. I was afraid to go the upper road to Swinford.

9213. You were afraid to go the upper road to Swinford?—Yes; I always went the Bohola road.

9214. You went the upper road to Swinford?—Yes; this time we went the lower road. I always went the lower road. A notice that we got in Swinford that if we were going in threes we would be murdered.

9215. Had the priests very little influence there?—If they had influence at other elections, they never had less influence than at the last. I heard the priests at Kiltermaugh hooted.

9216. Had they any influence at Swinford?—I did not see that they had much influence at Swinford.

9217. Now, you talked of a man that was knocked down by a man of the name of Gavahan?—I do; I swear he struck myself.

9218. What arms had you?—Repeat the question.

9219. Repeat the question?—Yes; I did not hear you.

9220. What arms had you?—I had no arms.

9221. Had you a stick?—I swear that I never carried a stick, pistol, or anything else.

9222. Upon your oath, did you not carry a stick that day?—On my oath, I did not carry a stick during the election. Ask any one, and he will tell you; but on my oath, I did not carry a stone, or stick, or pistol, during the election.

9223. You are limiting it to the election?—On my oath, the reason why I did not, was for fear that I might strike any person, and I have often made that remark.

9224. You are of a violent temper, and you would be likely to strike a person?—If I had a stick in Swinford, and I was struck, I would strike again.

9225. I am not asking you about the election; but before the election, had you not a stick?—How long before? I had a stick before the election.

9226. When you went to canvass with Mr. Moore?—I swear, on my oath, that I never went to canvass with Mr. Moore.

9227. You swear that you never went to canvass with Mr. Moore?—From curiosity I followed him. It was market day.

9228. Out of curiosity you followed him in his canvass?—Yes.

9229. And you followed him about the town?—Yes.

9230. While he was canvassing?—Yes.

9231. Well now, that day; that day that you followed him through curiosity about the town, had you not a stick in your hand?—On my oath, I had not.

9232. You had not?—No. I suppose if you saw a stick here, you would say I had one there?

9233. I had not the honour of ever seeing you before, sir. Do you mean to say that you struck no one?—I mean to say, that Gavahan came up and struck me with a stick, and I made a push at him, and I do not know whether he fell or not.

9234. You made a push at him, and you do not know whether he fell or not?—If a man came up and struck you in the street would you return it?

9235. I am not as young as you are?—I would return it, I know; at all events, I would let no one strike me.

9236. You knocked him regularly down, did you not?—I do not swear that he fell.

9237. Did he get near the ground?—He came over against other people; he could not fall.

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9238. He went down as far as a hard blow could send him, did he not?—I gave him as good a blow as I could.

9239. Whereabouts?—I think about the chest.

9240. Was it the chest or the face?—Not in the face. He knocked my hat and broke it, and I never wore it afterwards.

9241. Was that before or after you saw him strike a man?—Well, I think he struck another man before. I take care to say that he did. I pointed him out to the police officer, who would not take him.

9242. You are on your oath?—I know I am, and I am telling you the truth.

9243. You are on your oath. Did he strike a man in your sight before you struck him?—Yes.

9244. And then you pointed him out to a policeman?—Yes; and I can tell you his name.

9245. What is the police officer's name?—Fraser. You can bring him up if you like.

9246. What sized boy was it?—He is a tall boy.

9247. A tall boy?—I think he is a man.

9248. I suppose you are a man?—Well, I do not know that I am.

9249. How old was he, do you suppose?—I suppose about six or eight and twenty. He is a married man, I know.

9250. Do you mean to say that? How high is he? Does he come up to your shoulder?—Well, he does; I could not say his exact height.

9251. Would you swear that he would reach to your shoulder?—I cannot exactly swear that. To the best of my opinion, he would. All I know about the man is, I saw him in Captain Brabazon's employment. He was his servant, and I saw him driving the family about. I do not know whether he left them or not before this. This was the time that the water was dashed out.

9252. I want just to come to that; I understand you to say that on that occaiion Mr. Moore was in the town of Swinford?—He was.

9253. That is the time that you were following him for curiosity's sake?—It was more for curiosity's sake than anything else. My father was canvassing for Mr. Palmer.

9254. There were a good many attracted by curiosity there, were there not?—There was, I believe; it was market-day; it is a very large market at Swinford.

9255. And some ninety or a hundred people were following for curiosity's sake, were there?—There were more than a hundred. I cannot say for curiosity; I cannot say the people's mind.

9256. How many priests were there?—I saw three or four there.

9257. Were they following for curiosity's sake?—I do not know what was their cause.

9258. You do not know what they went for?—No.

9259. And Colonel Higgins's friends were in the house?—I understand it was Colonel Higgins's house.

9260. They were in the house?—They were not in the house; they were on the steps, and about the steps; a good piece out in the street.

9261. In the house and about it?—Yes.

9262. While this curious mob was parading the streets?—The mob was, at the time you are alluding to.

9263. I am not asking you the time, because you do not know what I am alluding to; were the mob parading up and down the town, whether for curiosity or anything else, that day?—I cannot say.

9264. Do you mean to swear that you cannot say?—I cannot know the minds of people.

9265. But if you do not know the minds of people, you can tell us what they were doing?—I can swear that I saw them walk quiet and easy till they were attacked.

9266. But they were walking with Mr. Moore at their head, and four or five priests, and your father in their company?—Yes.

9267. Did they draw up in front of the house where Colonel Higgins's friends were?—No, they walked by; they were groaned passing by.

9268. Now, take care; on your oath, did not Mr. Moore take off his hat every time he passed the house?—On my oath, when he passed up, he did not take off his hat.

9269. You say when he passed up he did not take off his hat; did he when he passed down?—He did, and I must explain that.

9270. The more you explain the better?—Tom O'Doud is the deputy sheriff; he is no great——; he was——

9271. You say he is no great——; no great what; do not let us lose that?—Mr. Moore took off his hat.

9272. Was that at his beauty?—I cannot say why it was that he was doing that; he was pointing to his face.

9273. Where was he?—At Corney's hotel.

9274. In a window?—At the door.

9275. Did Mr. Moore take off his hat more than once?—Yes, he did; he told the people; that is the time he was struck.

9276. I ask you, did Mr. Moore take off his hat more than once?—When we were struck he took off his hat, and told the people to be very quiet, and not to strike.

9277. I think you said that he told the people that they might screech as much as they liked, but that they were not to strike a blow?—Yes; now and then he took off his hat.

9278. Were not the mob standing in front of the house then?—No, we were passing by at the time.

9279. On your oath, did not Mr. Moore take his hat off then?—Not until the water was dashed out. I saw him, when he was passing down in the morning, take off his hat to hail when they were groaning him.

9280. On your oath, was the water thrown out at the time that O'Doud was pointing with his hand?—On my oath, it would be in or about the same time.

9281. On your oath, was it not after?—It is two or three months ago.

9282. On your oath, was it not after?—I cannot say; I think it was, but I am not sure; I will not swear it was.

9283. And then, after that, he took off his hat again, when the blow was struck, Mr. Moore?—Yes, he did.

9284. Now, all this time, do you mean to say that he was passively walking by?—He was.

9285. Do you mean to swear that that mob was not drawn up in front of the house?—I do; I was sent with the mob to take them away.

9286. The mob?—Not a mob.

9287. Where were the priests at that time?—With—— I saw them here and there, about the town.

9288. You said "with," and then you broke of; what do you mean by that; were they with that body of men in front of that hotel?—On my oath, they were not; they were not there when I came down with them.

9289. The priests were not?—No.

9290. Where were they?—Walking about the streets.

9291. Away from that mob?—Yes.

9292. Did you not tell us, this moment, that there were four or five priests with the mob, continually?—I told you no such thing. I did not say that they kept with them continually.

9293. What did you say?—What I will say again.

9294. What is that?—That the priests at this time were not with the mob.

9295. You told me they were walking up and down, with Mr. Moore at their head, with four or five priests amongst them?—It was one side of Mr. Moore.

9296. You were wrong in saying four or five times, then?—No, I was not; I said they walked up four or five times, and I say so now.

9297. Did the priests separate themselves before the water was thrown?—There was no priest there when the water was thrown, to the best of my opinion.

9298. *Committee.*] Who was there?—Mr. Curran; he was telling the people to be very quiet and peaceable, and not to strike a blow.

9299. Mr. *O'Malley.*] Did he say also that they might screech as much as they liked?—No, he did not say anything about that; the only time I heard Mr. Moore tell them—— This is the case; Mr. Moore told the people—— I said to Mr. Moore first, that our people had as much right to speech as Mr. Higgins, and Mr. Curran said they had; but, on my oath, Mr. Moore told the people that they might screech as much as they liked, but not to strike a blow.

9300. And they did so?—Yes.

9301. They rose a pretty good yell?—Yes.

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9302. Opposite the hotel?—No, near the court-house.

9303. Was that the same day?—Yes.

9304. Who was there; there were no friends of Mr. Higgins's near the court-house?—Tell me any place in Swinford where Captain Brabazon's friends are not, and I shall be obliged to you; in his own town, it is a most curious thing——

9305. When you have done laughing at yourself, favour me by telling me whether there were any of Colonel Higgins's friends near the court-house?—Not in the court-house; there were several voters who said they were afraid to vote.

9306. Were those the persons that Mr. Moore desired the mob not to strike?—When Mr. Curran spoke to Mr. Moore.

9307. Were those the persons that Mr. Moore told the mob not to strike?—He mentioned no names.

9308. Were they the persons who were present?—They were not present, but the houses were; they refused Mr. Moore to vote.

9309. As I understand you, when Mr. Moore——?—They had no houses, and that he would turn them out.

9310. When Mr. Moore cautioned the people——?—I tell you——

9311. Attend to the question, sir, you may find yourself in unpleasant quarters if you do not answer. When Mr. Moore ordered the people not to strike, but to screech as much as they pleased, am I to understand that there was nothing present before them to strike except the houses?—Except Mr. Curran and the police officer: they came up to speak to Mr. Moore, and when he spoke to Mr. Moore, Mr. Moore told him that the people would not strike a blow; he said that they might screech as much as they liked. I said that the people had as much right of speech as their people had to strike us.

9312. Now, did not Mr. Curran ask Mr. Moore to withdraw his mob from around the hotel, or place in which Captain Higgins's voters were?—I did not hear him, and I was there at the time.

9313. Will you swear he did not?—I will, and I was there; I did not hear him, and to the best of my opinion, he did not.

9314. It was upon that that Mr. Moore said the people had a right to screech if they liked?—It was. He told Mr. Curran that the people had a right to screech.

9315. Where was that?—It was very near the court-house; within a few yards of the court-house.

9316. Was it near where Captain Higgins's voters were?—There is one house above, and one below.

9317. One above might be miles above?—There is one above, and one about 20 yards below.

9318. That is where Mr. Moore was at that time?—That is the place where I saw Mr. Frazer coming up to Mr. Moore.

9319. If Mr. Moore said that they had a right to shout as much as they pleased, I suppose Mr. Curran must have said something to them?—He walked away.

9320. Did Mr. Moore say that they might shout as much as they pleased?—I gave you that answer twice.

9321. He said to Mr. Curran and the magistrate that the people had a right to shout if they pleased, although Mr. Curran said nothing to him?—I did not say that; I said that Mr. Curran came up to him about the people.

9322. About what?—He said he ought to advise the people, and he said he would, and that they would do no harm. They had got drunk, some of them, from the other side.

9323. *Committee.*] You said that the people in your house were afraid of Colonel Higgins's men?—I do, because one man, Kay, that this Gavahan—I saw him canvassing for Colonel Higgins, and therefore I thought that he was his agent—and he boasted that he had a guinea a day to get up this petition; I heard that he said so.

9324. That was before the election?—No; after the election; we must have an election before a petition.

9325. You were very much afraid of Colonel Higgins's men, were you?—I was not afraid of them, but those men in the house were afraid of them, because this Gavahan said that he had got some land to strike from Baxter; and if those 22 voted for Moore and Palmer, he swore his oath to me that he would get Mr. Baxter not to give their sons any part of the land.

9326. Mr. *O'Malley.*] Did you see Mr. Ivers there?—I saw him in the street.

9327. The Rev. Mr. Ivers?—Yes.

9328. Was he away from the mob, or with the mob?—I did not see him with the mob.

9329. You did not see him with the mob at all?—No; to the best of my opinion he was up where Mr. Curran was speaking to Mr. Moore, but I cannot swear positively.

9330. Do you mean to say that you cannot swear whether he was there or not?—No.

9331. Had he anything in his hand?—I could not say.

9332. Had he anything in his hand?—I cannot tell.

9333. Do you think we can take that from you?—I suppose if I swear a lie to you you will be very glad to get it.

9334. Do you mean to say that you cannot tell whether Mr. Ivers had a stick in his hand or not?—I cannot say; I suppose if I said he had that will answer you.

9335. It will answer me either way?—I will swear that I cannot say.

9336. Did you see him strike any one?—Strike?

9337. Yes?—I saw him strike no one.

9338. Never?—No.

9339. Nor push back any one?—No.

9340. With a stick?—No.

9341. Did he not clear the way for Mr. Moore with a stick?—No.

9342. And yet you were there all the time your father was there, were you not?—Yes.

9343. And yet you mean to say that you did not see Mr. Ivers with a stick in his hand?—He might have a stick in his hand, but I cannot swear whether he had or not.

9344. Had he a stick in his hand, or had he not?—I cannot say, indeed. I was not remarking Mr. Ivers. I was listening to what Mr. Curran was saying to Mr. Moore.

9345. Then he might have struck anyone?—I will swear that no one was struck at that place.

9346. I ask you again, did you see Mr. Ivers strike anyone?—No; I did not.

9347. Nor clear the way for Mr. Moore?—No; nor clear the way for Mr. Moore.

9348. Now, I will come back for a moment to that house; where was your father on that night?—I saw him in bed.

9349. You saw him in bed, did you?—Yes.

9350. Did you see him in bed?—I saw him going into his room.

9351. About what time did you see him going into his room?—It was about nine o'clock.

9352. Did you see him in bed?—No; but I head the servants say he was in bed.

9353. But you did not see him in bed?—No.

9354. Did you see him in the course of the day?—No.

9355. *Committee.*] Was he at home?—Yes.

9356. Mr. *O'Malley.*] Now, I understand you to say you saw one Ambrose Lavin, George O'Malley, Francis O'Grady, P. Taff, Charles Strickland, and 20 or 30 others, having hold of Dunlevy?—Holding him. They were about him, and some had hold of him. They were all making a grab at him.

9357. That is 33 making a grab at him?—I did not say 33. There was that number about him. I saw the man's coat torn off by those magistrates of the county of Mayo.

9358. They are magistrates, some of them?—Yes; magistrates of the county. Magistrates were all going about the county at that time.

9359. Now, you talked of the bench at this place?—Yes.

9360. Was Dean Durkin sitting beside the returning officer the whole time?—Where?

9361. At Swinford?—I never saw him there.

9362. You have been telling us of the arrangements in the polling booth. Will you swear that Dean Durkin was not sitting beside the returning officer the whole time; will you swear that Dean Durkin was not either sitting or standing on the bench

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bench beside the returning officer during that election?—I will. I will say that I did not see him; and I was in the court two days, except when I was put out.

9363. Could he have been there without your seeing him?— Well, to the best of my opinion, he could not.

9364. Then you can swear that he was not there?—He could not be there, I think, without my seeing him; I saw the Rev. Mr. Eames there.

9365. Now, you say that you were put out?—I was.

9366. What were you put out for?—Young Mr. Brabazon ——. I brought in two freeholders into the booth, and he began to speak to them, wanting them to vote for Colonel Higgins; he is there, and he cannot deny it; and I told his father that it was not proper conduct; and his father is there, and he cannot deny it, I think.

9367. Were you not put out for interrupting the business of the booth?—That was another time. Captain Palmer's agent asked me—— Captain Brabazon did not put his son out; he ordered me out of the court, and he did not put out his son. I was put out——neither of us was put out.

9368. How is that; if he put you out, and would not put out his own son—and you say that neither of you was put out—how is that; what was the next time?—I was standing next to Mr. Palmer's agent. They were a long time answering, and there were two men with immense sticks. A poor man came up to vote; I suppose he was so much afraid of those men as I was, I know; and every one that came up to vote there had told me the same. They wanted to pass him as an Irish voter, and that he could not speak English. He is my cousin's tenant. I was asked by Mr. Palmer's agent if he spoke English; I said he did, and Captain Brabazon immediately ordered me out. The man was afraid to admit that he spoke English; they wanted to get him sworn in Irish. The man spoke English.

9369. And you were put out?—I was put out for saying that he spoke English. I was put out at three o'clock, and I was not let in again that day. If any of Mr. Moore's people spoke they were ordered into the dock at once; and Colonel Higgins's people spoke, and polled, and went away, and did as they liked.

Re-examined by Mr. *Buchanan.*

9370. When parties voted behind the sheriff, what was done with them?—Some were there that voted, and some that had voted, and some that were to vote.

9371. In what interest were these?—They had votes, and their sons were there, some of them.

9372. When anybody voted for Captain Palmer, what was done by those behind the sheriff?—They groaned.

9373. And when anybody voted for Colonel Higgins, what was done by those behind the sheriff?—They were cheered, and Captain Brabazon laughed at it; he can't deny it. He was then saying, "Go on with the business again." He gave an immense curse, and telling Cavendish, the attorney for Colonel Higgins, that he was not assisting him at all.

9374. Did the deputy sheriff speak to the voters about him?—Yes; he used to shake hands with them, and was very glad to see them, I suppose; he did not shake hands with me, I know.

9375. He did not shake hands with you?—No.

9376. Now, has Captain Brabazon any property in Swinford?—Yes; the town of Swinford belongs to him.

9377. He resides quite close to the town?—He does.

9378. Now, at the time that Mr. Curran was talking to Mr. Moore, where were the people standing; was it opposite the hotel?—Between the hotel and the court-house; a great deal nearer the court-house than the hotel.

9379. When you heard Mr. Moore address the people, in what tone did he address them?—He spoke to them and told them; he spoke to them about the election, and when he was speaking in the town he was frequently interrupted by people coming down and speeching for Colonel Higgins; and young O'Doud was opposite, and Mr. Eames, in a window, pointing over to Mr. Moore from the opposite house.

Colonel *Jasper Byng Creagh*, called in; sworn, and Examined by Mr. *Karslake*, as follows:

Col. *J. B. Creagh*.

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9380. YOU are in the army, I think?—Yes; I am on half-pay.

9381. Are you a friend of Captain Palmer's?—Yes; a very old friend of his family.

9382. You met in the Crimea, and were staying with him at the time he was candidate for the county of Mayo?—Yes, I was.

9383. Staying on a visit?—On a visit.

9384. I believe you are not an elector?—No, I am not.

9385. Now, were you at Castlebar on the day of the election?—I was.

9386. In what state was the town on that day?—Particularly quiet.

9387. Was there any disturbance whatever during the day of nomination?—None at all.

9388. Did you go to Swinford on the Monday, the first day of the polling?—Yes, I did.

9389. I believe you accompanied Mr. Ormesby, at whose house you slept the night before?—Yes, I did.

9390. In going into Swinford, were you accompanied by a Protestant clergyman who had come there?—Yes; I forget his name.

9391. Was he in the interest of Mr. Moore and Mr. Palmer?—I really do not know; I know nothing about him.

9392. But he went in with you?—Yes.

9393. Now then, in what state was Swinford, on the day of the polling, that you were in?—Very quiet for Ireland.

9394. You had seen Irish elections before?—Yes, I had.

9395. You say that you were at other elections, and you had seen the temper of people at elections?—Yes, I recollect at Belfast.

9396. Now, I ask you, throughout the whole of the Monday what was the state of the town to your observation?—Very quiet indeed.

9397. Did you see any acts of violence committed?—None at all.

9398. And were you about the town all that day?—Yes, a great part of the day.

9399. Do you recollect after the polling was closed in the booth, hearing the assembly sound?—I do.

9400. Did you go into the street; down the street?—Yes, I did; because I thought there was likely to be something going on; it had been very dull all day.

9401. What did you find when you got down the street?—I saw a troop of the Royals, I think it was, and a company of some regiment, the 38th I think it was. The Royals were riding up and down the street at some imaginary mob that I could not see; I saw a few unfortunate people trying to get away from them.

9402. Did they succeed in clearing the street of the imaginary mob?—Oh yes.

9403. Did they go on the pavement, as well as in the street?—Yes, and one of them came down.

9404. Had you the misfortune to get in the way?—I was very nearly ridden over by some of them; I went to see what was going on.

9405. Could you see the least cause or reason for that act?—Mr. Ormesby remarked to me ——

9406. We cannot have that; did you see the least reason or cause for that?—None at all.

9407. Did you see other people who were there ridden over or ridden against by the dragoons?—I saw one man ridden over.

9408. Who was in command of the dragoons; who was with them?—The only person I saw was a Mr. Finnaghan, a cornet.

9409. Was there a magistrate with them, who acted with them?—There was a magistrate, of course, or they would not have been there.

9410. Do you know what magistrate; who was there?—I believe it was Mr. Cochrane.

9411. Now, how long did this clearing the streets of the imaginary mob continue?—I suppose about a quarter of an hour.

9412. How many dragoons were employed in this operation?—Oh, there might have been about 30 I should think.

9413. And how many infantry?—The infantry at the time I saw them were doing nothing.

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9414. Where were the infantry?—The infantry were drawn up in the market-place.

9415. And was there any resistance whatever made to the dragoons when they were clearing the streets in this way?—None at all.

9416. You say that this was after the booth was closed, in the afternoon?—Yes, in the afternoon.

9417. Did you see the commencement of this clearing the streets; did you go down immediately you heard of it?—I went down the very instant; in fact, I was standing in the street when I heard the assembly sound.

9418. Did you see the movement of the dragoons commence?—I am not quite so sure about that.

9419. But at all events, was there anything whatever to require that movement on the part of the military, so far as you saw?—No, I should think not.

9420. Were you there at all after the Monday?—No, I was not.

9421. You were not there the next day?—No, I was not.

9422. Did you go home to Mr. Ormesby's that night?—Yes, I went home to Mr. Ormesby's.

9423. Now, has it fallen to your lot on more than one occasion to have to act against crowds?—I was once at Exeter obliged to act against a mob. I have been called out once in Ireland, at Belfast.

9424. Now, as an officer, I ask you whether there was anything at all in the conduct of the people on that day which, in your judgment, would authorise the sort of action which you saw on the part of the troops?—Not at the time that I went down; certainly not.

9425. And at other parts of the day you had an opportunity of seeing the people, and you say that they were quiet?—They appeared so to me.

9426. Now, you spoke of a clergyman; about what time in the morning did he come to Mr. Ormesby's?—I should think about four o'clock.

9427. Did you see him when he came?—No.

9428. You did not?—No; I was in bed.

9429. When did you see him?—I saw him about half-past six or seven o'clock.

9430. Now, in what state was he when you saw him?—In what state?

9431. Yes.—He was rather nervous.

9432. Now, did he say at all, when you saw him, for what object he had come there?——

Mr. *O'Malley.*] We cannot have that.

9433. Mr. *Karslake.*] Do you know that he was a voter?—I did not know anything about him.

9434. Now, were you at Castlebar when no application was made for a second booth for Tirauleagh?—I heard Mr. Lee ask the question.

9435. Of whom?—I do not know that. I was standing not very far off at the time. I know that the question was asked.

9436. Do you know the high sheriff?—I saw him; I have not the pleasure of his acquaintance.

9437. Was the application made to him?—I do not know; I heard it.

9438. Now you mention the Belfast election: have you seen other Irish elections?—I have seen elections, but I forget what they were.

9439. Was there, as far as you observed, any unusual excitement in the town of Castlebar on the day you have been speaking of?—On the Monday; Castlebar?

9440. Yes.—No, none at all, not the slightest.

Mr. *William Mulligan*, called in; sworn, and Examined by Mr. *Montague Smith*, as follows:

Mr. *W. Mulligan.*

9441. YOU are a shopkeeper in Swinford, I believe?—Yes.

9442. You are distributor of stamps there?—Yes.

9443. Do you remember, the Thursday or Friday before the election, Colonel Higgins and Captain Brabazon calling upon you?—Yes.

9444. To canvass you?—Yes.

9445. You said that you had received a notice from the Stamp Office?—I told Colonel Higgins that I had received a notice from the Stamp Office.

Mr. *O'Malley* objected to the Witness's continuing this statement.

Mr.

Mr. *M. Smith* stated that it was distinctly charged that partiality had existed on the part of the sheriff and deputy sheriff, and that this evidence was material to support that charge.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee would only receive evidence that affected Captain Brabazon, after he was appointed deputy sheriff.

9446. Mr. *M. Smith.*] Now, do you recollect Captain Brabazon calling upon you just before the election?—Yes, I recollect his calling upon me.

9447. Well, now, on the Monday: that was the polling-day, was it not?—It was; but on the Sunday before the polling, Captain Brabazon called upon me, at the post-office door, which is within a few doors of my door, He said to me, "Have you got a note from me this morning?" I said, "No, Captain."

Mr. *O'Malley* objected to the conversation that had passed between Captain Brabazon and the witness being given in evidence.

The *Chairman* inquired whether Captain Brabazon, at this time, was a deputy sheriff.

Mr. *M. Smith* replied that Captain Brabazon had been only sworn on the Friday.

9448. On the Sunday you told him that you had not received his letter?—I did.

9449. Now, on the Monday did Captain Brabazon call again on you?—Perhaps it would be better for me to explain what occurred on this day, and then go to the Monday.

Mr. *O'Malley.*] You had better answer the question put to you.

9450. Mr. *M. Smith.*] Did you afterwards find at your house the letter which had alluded to?—I did.

9451. Have you got it?—I have.

9452. Will you produce it?—Yes (*producing the same*).

9453. What is the date of it?—April 5, 1857.

9454. When did you get it?—On the Sunday morning before the election.

9455. *Chairman.*] When was Captain Brabazon appointed?

Mr. *M. Smith.*] Captain Brabazon was appointed on the 4th.

9456. Now, be good enough to read that letter?—"April 5th, 1857. Brabazon Park. Dear Sir,—In the exercise of your franchise at this election, I shall hold myself responsible that should you be deprived of the situation you hold as distributor of stamps, to guarantee you from all loss, irrespective of how you may vote. Yours faithfully, *H. Brabazon.* M. Mulligan."

9457. Now, after you had received that letter, did you have a conversation with Captain Brabazon?—I intended to have seen him on the Sunday after reading that, to explain the cause of my not voting, as I ascertained on applying to the Act of Parliament that if I were to vote, that the vote would become null and void, and subject myself to a penalty of 100 *l.*

9458. Did you see him, and tell him that?—I happened to see him on the following morning, Monday, about half-past seven or eight o'clock.

9459. What did he say then?—I said to him, "Captain, in answer to your note of yesterday, I have to say that it is impossible I could vote."

9460. What did he say?—And he says, "Very well; that puts an end to friendship between you and I henceforth."

9461. *Committee.*] Is he your landlord?—Yes.

9462. Mr. *M. Smith.*] Well, now, when you were talking to him about the vote, and stating to him your objections to vote, did he say anything to you, if you would vote, what he would do?—No, not at that time.

9463. But at anytime did he say it?—He said it on the Thursday or Friday before that.

9464. You did not vote at all, I believe?—No.

9465. *Committee.*] Did you communicate to other people that you had received the letter to which you have referred from Captain Brabazon?—Which letter do you allude to?

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9466. The letter guaranteeing or offering to guarantee you from all loss?—Well, I did.

9467. Well, the moment after receiving it?—No.

9468. Before the election?—No, I think not until after. I recollect now, that I did show it to my wife.

Lord *John Brown*, called in, sworn; and Examined by Mr. *M. Smith*, as follows:

Lord J. Brown.

9469. YOU reside at Westport, in the county of Mayo?—I do.

9470. Did you take an active part in the last election for the county?—I did.

9471. On the part of Captain Palmer?—I did.

9472. Are you a magistrate of the county?—I am.

9473. Did you apply to the sheriff for a deputation?—I did.

9474. To act at the election?—I did.

9475. Was your request granted?—It was not; it was refused in courteous terms. I think it as well if I were to read the letter.

9476. If you please.—"My Lord, I have the honour to acknowledge the receipt of your letter, 28th ulto. Should occasion require, I shall avail myself of your offer. I have the honour to be your obedient Servant, *Fitzgerald Higgins*."

9477. Do you know it to be usual at contested elections in Ireland to appoint magistrates from both sides?—I have heard so, and I believe it to be the case; I have only been at one previous election in the county of Mayo.

9478. Now, as far as you know, to whom were the deputations given by the sheriff?—To Colonel Higgins's supporters, as far as I learn.

9479. Alone?—Alone.

9480. You were present at the nomination, I think?—I was.

9481. Were the proceedings conducted quietly?—Exceedingly so. We were standing outside the court-house, previous to the court being opened, with a number of Colonel Higgins's supporters, and a number of Mr. Palmer's supporters, and we were actually joking and laughing, a thing which was utterly unheard of in the county of Mayo.

9482. *Committee.*] At election times?—At election times.

9483. Mr. *M. Smith.*] Were you at the Mayo election, 1852?—Yes.

9484. What was the state of things at the nomination then?—The whole green in the front of the court-house was occupied by a mob of at least three or four thousand people. I came in by the side of Westport, and stopped at the hotel, and it was necessary, in order to get to the court-house, that we should be escorted by a large force of cavalry, who rode between us and the mob, we having a wall on the other side.

9485. That was the state of things at the last election, as compared with the present?—Yes.

9486. Do you recollect seeing Mr. Sharkie, who was at the nomination?—I did.

9487. Was he on the bench with the high sheriff?—He was on one side of the entrance to the bench, standing near where the witness-box was.

9488. What was he doing?—He was excessively active in cheering Colonel Higgins's supporters, and waving his hat a good deal. My attention was directed to a man who was so active, and I inquired and found out who he was.

9489. I think you say that he was cheering Colonel Higgins's supporters, and waving his hat a good deal, so much so, that it attracted your attention, and you then asked who he was?—I asked who he was of several people.

9490. And he was the gentleman who was the deputy sheriff, as we know?—He was.

9491. Now, did you remain at Castlebar, and then go back to Westport?—I did.

9492. Did you canvass Westport with Captain Palmer?—I did.

9493. Now, what was the state of things at Westport?—There were a number of Captain Palmer's tenants in there who were cheering; there was a small mob, perhaps hardly deserving the name, on the opposite side, and this mob was kept——

9494. *Committee.*]

9494. *Committee.*] What do you call the opposite side; was it Colonel Higgins's side?—Colonel Higgins's side. This mob were kept in check by Captain Palmer's tenantry, but displayed their feelings upon one or two occasions.

9495. Mr. *M. Smith.*] Displayed their feelings on one or two occasions, in what way?—Throwing either mud or stones, I am not sure which, one of which struck Captain Palmer on his hat.

9496. *Committee.*] What day was this?—This was long before the election; this was about a week before the nomination that I canvassed; this was previous; I canvassed previous to the nomination.

9497. Mr. *M. Smith.*] In consequence of what you saw there, and some apprehension, you wrote again to the high sheriff, I believe, requesting to be appointed a magistrate?—No, I only wrote once.

9498. Did you write a second time?—There were two other magistrates in that neighbourhood besides myself; I consulted with the officer of the police, and the other magistrates, as to whether it would be necessary to have a military force. I wrote up to the Government; I got an answer that troops were ordered there. Afterwards, hearing that these troops were withdrawn, I wrote to the high sheriff and to the Government upon the subject, and I have got their replies, if you wish to have them. Infantry were sent then.

9499. Were you in the polling booths at Westport?—I was.

9500. On the Monday and the Tuesday?—I was.

9501. *Committee.*] At Westport?—At Westport.

9502. Mr. *M. Smith.*] Now, in the court-house, what was the state of things there?—There was a mob, composed chiefly of women and children, but with a few men mixed with them, who hooted and yelled at every voter who voted for Mr. Moore or Mr. Palmer, and who cheered every one who voted for Colonel Higgins. On one occasion when I opened my lips, I was instantly called to order by the deputy sheriff, who was a dismissed agent of Lord Sligo, my brother; he instantly called me to order.

9503. *Committee.*] What was his name?—Hildebrand.

9504. Mr. *M. Smith.*] Now, on the second day, I believe the barony of Morris, in which you had taken an interest, was nearly polled out, was it not?—Yes; there were about half a dozen men; there were a few men that could not vote, and I knew would not vote.

9505. At Westport, had there been a full polling of the voters? Yes, a very full polling; there was nobody that could not have voted if they had wished to do so; there were some people that were not alive, and some people with votes in other baronies.

9506. Of course the register does not show accurately the number of voters, and deaths, and removes, and so forth?—No, but the barony was polled out virtually.

9507. Now, did you go to Castlebar?—I did, on the second day.

9508. What did you find there?—Everything excessively quiet.

9509. And the road open all the way?—The road perfectly quiet the whole way; I did not hear a shout or anything.

9510. Did you see, at Castlebar, the sheriff escorting some voters to the court-house?—I did.

9511. Were you standing at the entrance of the court-house?—I was.

9512. How did they come up?—They came up, escorted by dragoons, on cars.

9513. And the sheriff with them?—The sheriff escorting them.

9514. *Committee.*] By "sheriff," do you mean the high sheriff?—The high sheriff, Captain Higgins.

9515. Mr. *M. Smith.*] Was there any excitement caused by seeing the sheriffs with the voters?—Well, I do not think there was very much, to tell you the truth.

9516. Now, did there appear to you to be any necessity for that escort?—Oh, I think so; I think there never was a contested election but where the unpopular candidate did not require an escort to protect his voters.

9517. That is the normal state of things?—That is the invariable state of things.

9518. Did you canvass any of the voters?—I did; a great many.

9519. Who were brought up by the sheriff?—I did; they had promised to vote for Mr. Moore and Captain Palmer.

9520. What did you do?—When they were brought up they were addressed by

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by two parties, and the sheriff declared that he would commit any one to gaol who dared to address the voters under his charge, or words to that effect. He said, "If any one dares to speak to these voters, I will commit them to gaol."

9521. Did you say that they were voters who had promised to vote for Captain Palmer and Mr. Moore?—No, but I asked them. Pat Brown was the name of the bailiff who led the other four; and I said, "I expect you to vote for Mr. Moore and Mr. Palmer."

9522. Had he promised before?—Yes; the sheriff told me that my conduct was most improper, and that he thought I ought to have known better; and he hurried on the voters into the booth.

9523. That is the high sheriff?—The high sheriff.

9524. I believe you went to Ballinrobe on the Tuesday night?—I did.

9525. In what state did you find the town?—I arrived there at night, rather between twelve and one o'clock on the Wednesday morning, and I found the town perfectly quiet and the road perfectly clear.

9526. *Committee.*] What night was this?—That was on the Tuesday night; it was, in fact, on Wednesday morning, between twelve and one o'clock, when I arrived there. There was a large force of police drawn up in front of Mr. Tigh's house, but there was hardly anybody else in the streets.

9527. Were you there on the Wednesday?—Part of the day.

9528. In what state was the town on the Wednesday?—It was just as quiet as an ordinary day; there was not a fourth of the number of people that there are in it on an ordinary market-day.

9529. You have had some experience in former elections in Mayo?—Oh, I never was in Ballinrobe.

9530. Seeing the state of things in the various places, what do you say was the general aspect of this election?—There was never an election that was any thing like so quiet; there were no barricades, as there usually are; no carrying away voters wholesale, as usual; no voters mutilated even; none of those little amusements, cutting people's ears off, that take place occasionally.

Cross-examined by Mr. *James.*

9531. It was an extremely mild election?—Yes.

9532. You were chairman of Captain Palmer's committee?—No, I was not; although I wrote to engage some professional gentlemen on the committee, yet a committee was never nominally appointed; virtually they were.

9533. Now, were you present at a meeting of the priests with reference to the election, and before the election; a few days before the election?—Do you mean with two or three priests?

9534. Yes.—Yes, I was.

9535. What priests were there?—There was Mr. Curley; I think Mr. Green; and a third priest, I do not know his name, but I think it was Mr. Hosty.

9536. What was the object of the meeting?—We were standing outside the green, and they asked us to come over; and in the course of a conversation that ensued, they asked us, in the event of an arrangement being made for mutual support, what support we could give them.

9537. Was it an interchange for the priests' support of Captain Palmer that you were to support Mr. Moore?—Yes.

9538. You wanted the priests' support of Captain Palmer, and you promised the priests Captain Palmer's support of Mr. Moore?—Yes.

9539. Did you understand what they were; whether they were secretaries to any committee, or who they represented; what is Mr. Curley; because he is not a man of very great influence, is he?—He is a very active priest.

9540. Is he a man of much influence?—I think he is.

9541. Now, upon that occasion was anything said about Dr. M'Hale?—I do not think his name was mentioned.

9542. Just try and remember; was anything said about that resolution that was passed?—No.

9543. Nothing?—Not while I was present; I was not there the whole time.

9544. Did these three priests, Green, Hosty, and Curley, act for the whole body of the priests, or only for themselves?—They simply asked us the question, as I gave it you, what support we would give in return.

9545. Did the priests speak as to the support of the general body of priests; did

did they speak for themselves, or for the whole body of priests?—I really—I think I may shorten it, by observing that I cannot say for whom they were speaking. I will tell you the substance of what they said, if you will allow me.

9546. When the priests spoke, did they speak individually of their own support, Curley, Hosty, and Green, or of the general support of the priests?—They said the words to me that I have given you.

9547. Did they speak of their individual support, or of the support of the priests generally?—They asked what support Mr. Palmer's supporters would give Mr. Moore if Mr. Moore supported him. That was the general purport. They did not state whether it was of themselves, or for other parties that they were speaking.

9548. Had you seen this resolution at that time (*showing a placard to the Witness*)?—I think it is very probable I had. It was posted up Whether I had seen it at that time or not, I do not know; but I saw it at other times.

9549. Do you remember whether you had seen any resolution signed by John Archbishop of Tuam, Thomas Feeny, P. Durcan, John M'Evilly?—Yes; I am almost sure I saw that; something very much like it at any rate.

9550. When you had this interview with the priests, you are almost sure that you had seen a resolution, "That all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins"?—I do not know whether I saw that before or after this interview.

9551. *Committee.*] On what day was this?—I have been trying to recollect that, and I cannot; but my impression is that it was on the day the notice of nomination appeared in the papers, and that was 10 days.

9552. Mr. *James.*] Were you treating with these priests at this meeting of which you have spoken as three priests, or as members of a committee, or as representing the priesthood generally?—They asked us to come in, and they said, "In the event of our giving you certain support, what support will you give us in return?" that is what they said to us.

9553. Were they members of any committee, or did you treat them as three individual priests?—To the best of my belief, Mr. Moore had no committee.

9554. *Committee.*] Do you consider that in acting for Captain Palmer you were getting the interests of the whole body of the priests, or merely of the three gentlemen whose names have been mentioned?—I distinctly understood that these three gentlemen had no authority; distinctly.

9555. From the rest of the priests?—I am not sure whether it was on that occasion, but certainly on another occasion. I knew that they had no authority.

9556. Mr. *James.*] From whom?—To speak in the name of the others.

9557. At that time had you seen the Archbishop of Tuam's resolutions?—I cannot recollect. I certainly saw that (*alluding to the placard*); but when it was posted up I do remember.

9558. Now, you say that Ballinrobe on the Tuesday night was tranquil, quiet, and that very few people were in the streets?—Yes.

9559. Had you seen this bill of Father Conway's, that "No man, woman, or child shall appear in the streets of Ballinrobe until I appear amongst you on Wednesday"?—I saw that on the Wednesday.

9560. You got there on the Tuesday night?—I got there on the Wednesday morning.

9561. Well, did you see this address to the people, that "on to-morrow (Wednesday), or any other day, no man, woman, or child, shall appear in the streets of Ballinrobe, until I appear amongst you;" where did you see that?—Perhaps it is as well that I should look at the bill (*the bill was handed to the Witness*). It is virtually the same thing that I saw posted.

9562. "I never asked a favour of you that you did not grant at once," and so on; "that on to-morrow (Wednesday), or any other day, no man, woman, or child shall appear in the streets of Ballinrobe until I appear among you"?—I saw that posted up in Ballinrobe.

9563. And you say that the streets while you were there were quiet?—Perfectly.

9564. And you saw this posted on the Wednesday morning in Ballinrobe?—Yes.

9565. What time did you leave Ballinrobe on Wednesday?—I was asked to go out for three freeholders; it was doubtful whether they would come in or not,

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and I was asked to go out and canvass them; I went out for that purpose, and was absent about two hours.

9566. Now, you mentioned about the barony of Mullis, Westport; are you aware that in that barony Colonel Higgins polled 17 only; Mr. Moore, 95; and Captain Palmer, 110?—I am, perfectly; I am perfectly aware that all the respectable people in that barony, with one or two exceptions, were in favour of Mr. Moore and Captain Palmer, but that the lowest of the low were by Dean Burke formed into a mob against us, to the best of my belief.

9567. Colonel Higgins polled 17; Mr. Moore polled 95; and Captain Palmer polled 110?—Yes; the country people were with us, and during the day they flocked into the town, and then the other mob dare not show their faces.

9568. However, Colonel Higgins only polled 17?—Yes.

9569. Have you canvassed the county with reference to Mr. Moore being unseated?—I have not.

9570. Do you mean that?—I do.

9571. I do not mean personally canvassed; in the event of Mr. Moore being unseated?—I have not.

9572. Not personally?—I do not understand what you mean.

9573. I think you know what I mean; have you made arrangements to start yourself for the county in the event of Mr. Moore being unseated?—On my oath, if Mr. Moore is declared unseated, I will do my best to put him in, as I feel bound to do in honour.

9574. But do you contemplate starting?—I do not, unless Mr. Moore, in the very unlikely contingency of his not standing.

9575. In the event of Mr. Moore's not doing so?—In the event of his not doing so, perhaps I shall.

9576. Now, you have told us that you were at a little meeting of the priests; it is not much use doing it without their influence, is it?—That is a question. I have been opposed to the priests, and most probably I shall be opposed to them again; I differ with them in politics entirely.

9577. Is it much use in contesting the county without their support?—Most unquestionably; I say that if Colonel Higgins had the support of half-a-dozen other gentlemen in the county, in fact if the body of the gentry were in his favour, that he could carry the election against the priests; I have not a particle of doubt about it.

9578. Did you hear of these denunciations from the altar?—Yes; I have read more of these accounts than I heard at the time. I could give you a few instances, if you would like it, of denunciations.

Re-examined by Mr. *M. Smith.*

9579. You said that if Colonel Higgins had the support of five or six more country gentlemen, he would carry the election as against the priests?—Yes.

9580. Has the influence of the priests decreased in Mayo?—Yes, extremely.

9581. And Colonel Higgins seems to have had the benefit of it?—He never would have been in Parliament unless it had been used in a far greater degree than it was at the last election.

9582. Now, you have been asked about placards; did you see that placard at the last election (*showing a placard to the Witness*)?—No, I am not sure; I saw a great many. You might almost call it an election of placards; I think I saw a hundred of them. I am not sure whether I saw that or not.

9583. You say that you saw these three gentlemen, and that you distinctly understood that they had no authority?—Yes.

9584. Now, when you saw them, had Mr. Moore arrived in the county?—He had not; they complained, and we complained on that occasion, that Mr. Moore had not come down as he promised, nor had he written.

9585. Now, upon that interview they complained, and you complained that Mr. Moore had not come down, nor had he written to say what he intended to do?—The complaint that he had not written is rather a character for not writing that Mr. Moore has. They complained, generally, at his not having written. If the Committee wish, I could state exactly the reason. The commencement of this was two years before, when Mr. Moore stated that if I would stand, that I should

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should receive the support of himself, and he believed of the great bulk of his party, and he did not then ask for a return of votes from me. We were under the impression that his return was a matter of certainty; I believe it was then, if an election had taken place. A letter was written to Sir Robert Bloss, which I saw——

9586. Mr. *James.*] That was the election of 1852?—No; that is this election. I saw a letter from Mr. Moore to Sir Robert Bloss, saying that he was of the same opinion, of the same views regarding the election as he had been on former occasions when he had communicated with us, and that was the reason why I felt confident of his support.

9587. Mr. *M. Smith.*] I need hardly ask; you are a Protestant, I believe?—I am.

9588. *Committee.*] You did not give us the result of this interview with the priests?—It is exactly as I state it to you.

9589. Did they ask you questions; what was the result?—We told them exactly what support we could give them, as far as we knew.

9590. You did not come to an agreement with them?—That was not a meeting; they were asking certain questions from us, which we replied to; a specific agreement certainly was not made on that occasion.

Mercurii, 8° die Julii, 1857.

The Names of the Members were called over: all present.

WILLIAM SCHOLEFIELD, Esq., in the Chair.

Mr. *Hugh Wilbraham* was called in; and having been sworn, was Examined by Mr. *Buchanan*, as follows:

Mr. *H. Wilbraham.*

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9591. WHERE do you reside?—I reside in the County of Mayo, at Boathaven Lodge.

9592. Are you a magistrate of the county?—I am.

9593. How long have you been resident in Mayo?—Between six and seven years.

9594. I suppose I need hardly ask, are you an Englishman?—I am.

9595. Have you purchased property in Ireland?—Yes.

9596. Are you a freeholder of the county of Mayo?—Yes.

9597. Did you vote at the last election?—Yes.

9598. Whom did you vote for?—Captain Palmer and Mr. Moore.

9599. What is your religion?—I am a Protestant.

9600. At the previous election in Mayo, were you a registered voter at that time?—No, I was not a registered voter.

9601. Did you act at that election as a magistrate?—Yes.

9602. Were you in the town of Castlebar, where the election was held, at the previous election?—Yes, I went there with an escort of voters.

9603. By the *Committee.*] Were you a deputed magistrate?—I was a deputed magistrate.

9604. Mr. *Buchanan.*] Will you tell the Committee what was the state of the county, particularly at Castlebar, at that election?—There was a good deal of row and disturbance at Castlebar, and at Westport too.

9605. That is the election of 1852?—Yes.

9606. Did you have the troops out?—I went with an escort of troops myself; I was a magistrate in charge, and I was with another party of troops in a gentleman's house at Castlebar, to protect the house; that was the house of Colonel M'Alpin's agent.

9607. Did you take voters in from Westport, as a deputed magistrate, on that occasion?—Yes, to Castlebar.

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9608. Did anything particular occur to you then?—There were two barricades on the road.

9609. Two barricades across the road?—Yes.

9610. What sort of barricades were they?—They were stones.

9611. By the *Committee.*] Where?—About a mile from Castlebar.

9612. Mr. *Buchanan.*] Were you at the nomination at this election?—Yes.

9613. What state were things in at Castlebar on the day of nomination?—They were wonderfully quiet I thought.

9614. As compared with the former election, do you say that?—As compared with the former election, certainly. Colonel Higgins and his friends were on the Green there, walking about.

9615. No rioting?—None in the least.

9616. No quarrelling, breaking of heads?—No; there was a good deal of talking and laughing.

9617. Were you outside the court house before the gates were opened?—Yes.

9618. Were things very quiet there?—Perfectly quiet.

9619. By the *Committee*] What day was this?—The nomination day.

9620. Mr. *Buchanan.*] I believe you reside in the neighbourhood of Louisburgh?—Yes.

9621. Were there voters in that neighbourhood that came to the present election?—Yes, about 25, I think; something between 20 and 25.

9622. Did you make any application to the sheriff for a deputation at this election?—Yes, I did. I have got the application.

9623. Was it by letter?—Yes, by letter.

9624. Did you receive a reply?—I received a reply; I have got the reply here.

9625. Did you get a deputation?—No.

9626. Is that the answer you received?—That is the answer.

9627. Just read it.—"Sheriff's Office, Castlebar, 1st April 1857. Sir,—I have the honour to acknowledge the receipt of your letter. Should occasion require, I shall avail myself of your offer. I am, sir, your most obedient servant, *Fitzgerald Higgins*, high sheriff of Mayo. Hugh Wilbraham, esq., J. P."

9628. Were there any troops in Louisburgh immediately before the election; any troops stationed there?—No.

9629. Was there any large body of police there, sufficient to protect the voters?—The usual force there is a constable and four men; and the four men were taken away, and the constable was left.

9630. Then I am correct in saying there was no force of police in the town?—Not in the town, the police barrack is more than half a mile away from the town.

9631. There was only the sergeant left?—Yes.

9632. You being refused the deputation by the high sheriff, did you make any application to the Chief Secretary of State?—I made an application.

9633. Did you make that application by letter?—Yes.

9634. Did you receive a reply?—Yes.

9635. Was that application with reference to the election?—It was.

9636. Will you read it?—

Mr. *O'Malley* objected that it was not evidence.

9637. Did you consider an escort necessary?—I did, certainly.

9638. And having been refused by the sheriff, you applied to the Government?—I applied to the Government.

Mr. *Buchanan* submitted that the letter of application was evidence of the facts at the time.

Mr. *O'Malley* contended that the Witness could only give evidence to the facts within his own knowledge; that the Committee had nothing to do with what was stated to the Chief Secretary; that any facts within the knowledge of the Witness which were contained in the letter could be given in evidence without reference to that letter.

The *Chairman* stated, that in referring to the letter, the Witness must confine himself to such facts as were within his own knowledge.

9639. Mr. *Buchanan.*] Have you got the letter?—Yes.

9640. Is

9640. Is that in your handwriting?—It is a copy of what I wrote to the Secretary; it is in my handwriting.

9641. Do not read the letter, but look at the letter to refresh your memory, and tell the Committee any facts upon the face of that letter which you know to be true; do not tell any opinions, but any facts; are there any facts stated upon the face of that letter?—There is the fact that I applied to the high sheriff for a deputation.

9642. By the *Committee.*] Are you now looking at it, not for the purpose of telling us what you told the Chief Secretary, but the facts?—Yes; the learned Counsel wishes me to state the facts contained in this letter.

9643. Mr. *Buchanan.*] Look through that letter, and if there be any facts stated upon the face of it which you have not already detailed to the Committee, mention those facts, and mention none others.—I mentioned in it ——

9644. Mr. *O'Malley.*] Do not tell us what you mentioned; tell us any facts that you know of your own knowledge occurring; any fact that occurred.—That I had received information—

9645. No, not received information.

9646. Mr. *Buchanan.*] Have you already detailed to the Committee the facts which you submitted to the Chief Secretary.

Mr. *O'Malley* objected that the Witness must not state what he said to the Chief Secretary, but only the facts within his own knowledge; his memory being refreshed by the letter.

9647. Mr. *Buchanan.*] Have you stated all those facts?—I stated that there were a number of freeholders in my neighbourhood to come to poll at Westport.

9648. You got a reply from the Chief Secretary?—Yes; and I mentioned moreover that they were not going to vote for Colonel Higgins; I received an answer.

9649. You received an answer from the Chief Secretary?—Yes.

9650. Did you receive any deputation, or any authority from the Government?—No.

9651. None whatever?—None whatever.

9652. What is that answer?

Mr. *O'Malley* objected.

The *Witness.*] It is a reply to my letter; but it is not an answer.

Mr. *Buchanan* proposed to read the reply to the application.

Mr. *O'Malley* objected.

9653. Mr. *Buchanan.*] After you received that letter from the Chief Secretary, were any troops sent to Louisburgh, or any police?—No.

9654. How many voters were there round Louisburgh; did you bring any voters from Louisburgh?—I did; about between 20 and 25.

9655. Had you an escort with you?—No.

9656. Had you any persons who rode along with the voters who were not either military or police?—Yes; we had an escort of non-voters.

9657. About how many?—About 30, I think.

9658. Did you get your voters up to to the poll?—Yes.

9659. By the *Committee.*] For whom were those voters going up to vote?—For Moore and Palmer.

9660. Do you say that you went with an escort from Westport?—We had no escort of troops.

9661. Did you take up any voters for Colonel Higgins?—No.

9662. None at all?—No, certainly not.

9663. Do you mean that there were no voters from that part of the country for Colonel Higgins?—There were, I think, a solitary one or two; there were three.

9664. But I understand that you went up with those voters not as a magistrate, but as a voter yourself?—I could not act as a magistrate.

9665. That is a mistake; but you were under the impression that you could not act?—Yes.

9666. Mr. *Buchanan.*] For what purpose did you take this escort of non-voters?—Because I was afraid we might be molested on the road.

9667. Did you make any application to the sub-inspector of police?—Yes.

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9668. For a patrol?—Yes.

9669. Did you meet the police on coming in?—Yes; the sub-inspector and 16 men.

9670. You met them on the road?—Yes.

9671. Was that between Westport and Louisburgh?—Yes; I made an application to the sub-inspector for a patrol to be there.

9672. By the *Committee.*] Do you mean when you met him, or previously?—Previously; I have a copy of the application.

9673. Mr. *Buchanan.*] Were you in the polling booth when these men went up?—Yes; I was there from the early part of the day till about 12 o'clock.

9674. Did you pass up the street with those men?—With some of them.

9675. Was there any hooting in the street?—No; not as we went up at all.

9676. Was there any in the booth when you went in?—There was a great deal of disturbance in there.

9677. Did the deputy-sheriff interfere to stop this hooting in the booth?—No; not at all.

9678. By the *Committee.*] Who was the deputy-sheriff?—A Mr. Hildebrand.

9679. Mr. *Buchanan.*] You remained in the booth a considerable time; when persons voted for Mr. Moore and Captain Palmer, what occurred?—There was a great deal of hooting.

9680. In the presence of the sheriff?—Yes.

9681. Did he interfere to stop it?—No.

9682. When persons voted for Colonel Higgins, what occurred?—There was a great deal of cheering.

9683. Did you hear any person address the sheriff upon the part of Colonel Higgins?—His agent.

9684. Did you hear any person address him upon the part of Captain Palmer and Mr. Moore?—A Mr. Gibbons was agent.

9685. Did you hear the sheriff order any person out of court?—No, I do not remember that.

9686. Do you recollect a transaction occurring when a gentleman plumped for Captain Palmer in the court?—It was on the second day, you mean?

9687. Yes.—I recollect a girl cried out in a loud voice, "Damnation take your soul," or some elegant expression of that kind.

9688. Was that in the hearing of the sheriff?—Oh, yes, audible all through the court.

9689. Did he take any notice of that conduct?—No.

9690. Do you remember whether Dean Burke was sitting in the court or not?—He was the first day; I cannot say whether he was on that occasion.

9691. Was he sitting under the sheriff when he was there?—Sitting to the left of the bench.

9692. In the box?—Yes.

9693. Do you remember upon any occasion a person having been put out of court by the police, upon application made by Colonel Higgins's agent?—I remember a boy, who seemed to be the leader of the mob there, was taken away by the police; he was an ostler of Bianconi's.

9694. By the *Committee.*] How old was that boy; an Irish boy?—He might be 18 or 19; an Irish boy; he might have been 20.

9695. Mr. *Buchanan.*] On his being sent out, did Colonel Higgins's agent make any application?—Yes.

9696. What about?—He applied to the sheriff, that the police were interfering unnecessarily.

9697. Did he apply for his readmittance?—Yes.

9698. Was he, in fact, readmitted?—Yes; the police had to let him back again.

9699. That was the first day of the polling, I believe; on the Monday?—Yes.

9700. Do you remember going from Westport to Castlebar?—Yes.

9701. What time did you get there?—I got to Castlebar at one o'clock, I think.

9702. What was the state of the town then?—It seemed perfectly quiet then; there might have been 100 people collected in the Green.

9703. Did you see any of Colonel Higgins's voters coming down with an escort?—Yes.

9704. Did you see anything occur?—I saw a pistol fired off by some one who was on a car.

9705. Was

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9705. Was this car amongst those that you say were conveying Colonel Higgins's voters, that were under escort?—Yes; they had an escort of cavalry; I think they had a troop of cavalry, and half a company of infantry.

9706. Was this person who fired this shot on one of the cars protected by them?—Yes.

9707. Then, seeing this shot fired, did you make any application to anybody, or find it out?—I spoke first of all to the sub-inspector of police, who happened to be there; then I saw the stipendiary magistrate, a Mr. Montgomery.

9708. Did you tell him of this firing of a shot?—Yes.

9709. Did you point the person out to him?—I said if he would stop them, I would point out the man.

9710. What did he say?—He said he would not stop them, and then told me to summon him.

9711. Did he tell you that very civilly?—Well, no, not at all; it was spoken in a most ungracious manner, I thought; in a most uncivil manner.

9712. By the *Committee.*] Did he know you personally at the time?—I told him I was a magistrate.

9713. Where were those voters coming from of Colonel Higgins's?—They were going out from Castlebar to Newport.

9714. Mr. *Buchanan.*] Going away from the polling-booth to Newport?—Yes.

9715. Did you return to Westport that evening?—Yes.

9716. Did you find any troops in Westport upon your return?—I found a company of infantry, which were all the troops that the Government would allow us, drawn up in the street, and the police patrolling.

9717. Was the town quiet that night?—There was a good deal of excitement then, but there was no rioting; there had been just before.

9718. Were you in Castlebar upon the night of the nomination; the day of the nomination?—The day of the nomination I was; I returned to Westport that day.

9719. Was any application made to you as a magistrate on that day, or the night of the nomination; do you recollect a person being arrested for rioting, and brought before you as a magistrate?—That was the day after the nomination; that was the Saturday; I think they had been arrested upon the day of the nomination.

9720. Were they brought up before you?—They were brought before me.

9721. Did you act as a magistrate?—No.

9722. By the *Committee.*] Who were brought up?—Two prisoners.

9723. Mr. *Buchanan.*] Did you act as a magistrate?—No; it was connected with the election; they had been shouting for Colonel Higgins, and I declined to act at all; there was no stipendiary magistrate there.

9724. By the *Committee.*] You having declined, was there anybody, in case of a row, who could act?—No.

9725. No magistrate at all?—There was another magistrate who had not a deputation.

9726. Was there no stipendiary?—No, the stipendiary did not come till Monday morning.

9727. Mr. *Buchanan.*] Was there a deputed magistrate in Westport up to Monday morning?—None at all.

9728. By the *Committee.*] In case of riot, was there anybody to apply to to put it down?—No.

9729. Mr. *O'Malley.*] Was not Captain Butler there?—No, Captain Butler was not there at six o'clock, on Sunday night; that I can state.

9730. Mr. *Buchanan.*] Was there any deputed magistrate in Westport, until Captain Butler came?—No.

9731. Do you know when he came?—On Monday morning; he told me so.

9732. Were any cases brought before you at Westport, for rioting at the election?—Yes, at the petty sessions; the next petty sessions at Westport.

9733. Was there any magistrate at Westport, on Tuesday night?—No.

9734. Had Captain Butler gone?—Captain Butler went on Tuesday, by order of the sheriff.

9735. To Ballinrobe, I believe?—To Ballinrobe; he took the troops and most of the police.

9736. Then, on the second day of polling, there were no troops at Westport in the

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the evening, nor police; they were taken away?—I do not know what time they were taken away; it was some time in the evening.

9737. Sometime in the evening of the second day of polling?—Yes; I was not at Westport then.

Cross-Examined by Mr. *O'Malley*.

9738. Where did you come from to Ireland?—I came from England.

9739. From what part of it?—From Cheshire.

9740. Were you a magistrate in Cheshire, before you went there?—No.

9741. What were you before you went there?—I was nothing very particular.

9742. I only wish to know what your habits were in order to account for this singular timidity on your part; what were you before you went to Ireland?—I was at the University.

9743. That was not in Cheshire?—No; I was living with my father there.

9744. In Cheshire, have you any objection to state what your occupation was?—I was living with my father there

9745. Tell us what you were; what you were doing?—I left the University a year or two before I went to Ireland, and in the meanwhile I went to Scotland; I was in Scotland.

9746. What was your father?—He was member for Cheshire for some years.

9747. What were your pursuits before you went to Ireland, that is all I wish you to tell us?—I was in Scotland for a year or two.

9748. You say you are a landlord; I suppose at Louisburgh?—No, I am not.

9749. I thought you were.—No, I am not.

9750. Have you any tenants?—No.

9751. Do you farm your own property?—What property I have got I farm.

9752. At Louisburgh?—No.

9753. Where?—I farm my own property; it is about 25 miles from Louisburgh.

9754. Where about?—It is near Balla.

9755. Do you live at Louisburgh?—I live near Louisburgh.

9756. What is your occupation at Louisburgh?—I have a farm there.

9757. I asked you whether you farmed; whom do you hold that farm under?—Under the Marquis of Sligo.

9758. What property you have is in the neighbourhood of Balla; have you property there?—Yes.

9759. Property of your own?—Yes, fee-simple property.

9760. In point of fact, you are substantially a farmer, holding land under Lord Sligo?—Yes.

9761. Were you a farmer in 1852?—Yes.

9762. And a magistrate in 1852?—Yes.

9763. Who was high sheriff in 1852?—A Major Knox.

9764. He was a supporter of Colonel M'Alpin's, was not he?—I do not know that he was a supporter.

9765. Oh yes you do, you took a great interest in that election, you know?—He acted very fairly at the election I believe.

9766. Whether he acted fairly or not is not the question; do you not know that he was a supporter of Colonel M'Alpin's at that election?—I cannot be sure.

9767. Were you not a supporter of Colonel M'Alpin's?—I was a supporter of Colonel M'Alpin's.

9768. By the *Committee*.] Is that the same gentleman, Mr. Knox, that we have had before us?—No.

9769. Mr. *O'Malley*.] They were Lord Sligo's freeholder's you brought up, I suppose?—Yes.

9770. You brought them up through Lord Sligo's estate, every inch of the way to Westport from Louisburgh?—No, it was not so.

9771. With the exception of a very short interval?—There are, I think, three or four other proprietors on the way.

9772. Was not the priest of Louisburgh a supporter of Mr. Moore and Captain Palmer?—Yes.

9773. Out of four priests at Westport, three were supporters of Mr. Moore and Captain Palmer; was not that so?—I do not think they were.

9774. Do you mean to say that you do not know that there are four priests in Westport, of whom three were supporters of Moore and Palmer?—I do not think they were.

9775. You mean to say that?—Yes.

9776. Who do you believe, except Dean Burke, was not a supporter of Moore and Palmer?—The other priests at Westport took no part at all.

9777. Can you tell me one who was not a supporter of Moore and Palmer at this election at Westport. Let me ask you, as you wanted an escort so much, is that where Mr. Curley is the parish priest?—Yes.

9778. And you were so fearful of going from Mr. Curley's domain in Louisburgh through Lord Sligo's estate to Westport, that you wanted to be a deputation magistrate and to have an escort?—Yes, I applied for an escort.

9779. Do you happen to know that Colonel Higgins's interest in the barony of Murrish amounted to 17 voters?—I think it was so.

9780. And that out of the whole barony there remained but 32 unpolled?—I think that was it; it was something near that.

9781. You spoke of the former election of 1852; you told us there was a disturbance at Castlebar, and spoke of the violence at that election; was not that violence, and that riot and disturbance created through the influence of the priests?—It might have been.

9782. Oh, you recollect; was not it?—It might have been.

9783. No, not "might have been," was not it; do not you believe it was?—Am I to give my belief?

9784. Did not you believe it to be, or attribute it to that?—Yes.

Re-examined by Mr. *Karslake.*

9785. You have been asked about 1852, as to the existence of riot; I believe at that time there was a good deal of excitement about the Stockport riots?—Yes; I believe there was.

9786. Do you know Dean Burke?—I know him by sight; I have never spoken to him.

9787. Did he take a very active part in that election?—Yes.

9788. You say at Westport there was one priest that took part in the election, but there were other priests that took no part?—I have heard they took no part.

9789. Did you see them about at all?—No; I do not think they were outside the house; I do not know whether they were at home or not.

9790. You have been asked about the escort, whether it was all through Lord Sligo's district; Lord Sligo's tenants were most of them in favour of Moore and Palmer?—Yes.

9791. Was that the very reason you wanted an escort on entering Westport?—In entering Westport.

9792. Was there a considerable crowd in Westport when you entered?—No, there was not much crowd there.

9793. It was near Westport you required the escort, or that you thought you might require it?—It was about a mile from Westport.

9794. Where was it the police were patrolling the road?—Between the city of Westport and Bellclare.

9795. Was that about the part where you wanted to be protected?—Yes.

9796. In Murrish were the voters polled out, or nearly so?—All that were likely to poll; there were several away.

9797. Was it a full polling for that barony?—Yes.

9798. You know there were several away at the time?—Yes; and several names were wrong which the sheriff refused.

9799. By the *Committee.*] We find in your case and in the case of one or two other gentlemen, a strong desire expressed to be appointed as deputed magistrates; why were you so anxious to receive an appointment of that kind?—Because there were no magistrates in Westport to keep order; for the police to take their orders from.

9800. Did you conceive that because there was no deputed magistrate in the neighbourhood, therefore, you as a magistrate, could not act at all?—That was my idea at the time.

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9801. That is a different view even from the views of those gentlemen who have been here before you?—That was my view at the time.

9802. Other people supposed that where there was no deputed magistrate they were able to act, but I think you are the first gentleman who has come before us who supposed that where there was no deputed magistrate other magistrates could not act?—That was my determination at the time; and a recruit was brought before me, and I refused to attest him. I thought my power entirely ceased.

9803. As to the shot which you say was fired from one of the cars, was it fired at anybody?—No, I cannot swear whether it was loaded or not.

9804. But was it an act which seemed like an act of violence towards any person?—No, I think it was done merely to intimidate the mob.

9805. Was it fired in the air?—No, just above the heads of the people.

9806. Were any stones flying, or anything of that sort?—No.

9807. Whose voters were those?—Colonel Higgins's voters.

[The Witness withdrew.

Mr. *Jeffrey Martyn* was called in; and, having been sworn, was Examined by Mr. *Karslake*, as follows:

Mr. *J. Martyn.*

9808. I BELIEVE you are a Justice of the Peace for the County of Mayo?—Yes.

9809. Have you been a magistrate for many years?—About 25 years.

9810. How far do you live from Ballinrobe?—Three miles.

9811. Are you the chairman of the board of guardians there?—Yes.

9812. You are intimately acquainted with Ballinrobe, and constantly in the habit of attending there?—Yes.

9813. Do you attend chapel at Ballinrobe?—Yes.

9814. By the *Committee.*] Are you a Roman-catholic?—I am.

9815. Mr. *Karslake.*] You say you attend the chapel at Ballinrobe, the Roman-catholic chapel?—Yes.

9816. Do you know Father Peter Conway who officiates in the chapel?—Yes.

9817. On the day before the election, did you attend mass in the chapel of Ballinrobe?—I did.

9818. By the *Committee.*] The day before the poll?—Yes.

9819. Mr. *Karslake.*] We understand that Father Conway officiated upon that occasion?—He did.

9820. Will you tell us what Father Conway did after mass in the chapel?—After mass, when mass was concluded, he commenced a discourse; the principal subject was the coming election.

9821. Did he read anything before he began his discourse?—He read the Bishop's Pastoral to the Clergy.

9822. Did you pay particular attention to what he said?—I did.

9823. Will you give us, according to your recollection, an outline of what was said upon that occasion by Father Conway?—I took no note of it whatever; I therefore cannot repeat the words; but if I am asked any question as to what he said, or what he did not say, I will tell to the best of my recollection what it is; but it would be quite impossible for me at this lapse of time to recollect everything that was said.

9824. So I understand; but I ask you, first of all, to give us a general outline of what he said upon that occasion with reference to the election?—I think the Bishop's Pastoral, inculcating peace, was read. He then recommended to the people to pay attention to the recommendations of their bishop; he then told them that the town was filled with police and military, and that the military and the police were commanded by persons who were hostile to the cause of the people, as well as I recollect, or words to that effect; I cannot recollect the words, you know; but this is the meaning I give of what he said.

9825. By the *Committee.*] Whom did he refer to then; did he mean the officers commanding the troops, or did he refer to anybody else?—To the magistrates who were in command of the troops.

9826. Mr. *Karslake.*] Yes; go on.—He then told them that if there was anything of riot or turmoil he was afraid that those people would be too happy to have an opportunity of shooting the people, and therefore he recommended them to stay quiet. That is my recollection of the circumstances.

9827. Have

9827. Have you had your attention called to the statement which was made, that this was said by Father Conway, that Mr. Higgins, or Colonel Higgins, was "a most consummate scoundrel;" was that said?—No.

9828. Will you undertake to say it was not said?—I certainly think that such expressions as those could not have escaped me; that they would have made such an impression upon me that I should recollect them; I have not the slightest or most remote recollection of them.

9829. By the *Committee.*] Could that have been used without your hearing it?—I do not think it could, for I moved up close to where Father Conway was.

9830. Was what he said, said in English?—All in English; I think he afterwards, I forget now, but I think he said a few words in Irish also, after speaking in English.

9831. Do you understand Irish yourself?—I do.

9832. Mr. *Karslake.*] In English or Irish did he say, that Colonel Higgins was a most consummate scoundrel?—No, he did not, to the best of my recollection.

9833. Did he say that Colonel Higgins had "sold his country, his body, and his soul, yet he has now the presumption to come and ask for your support; but believe me the curse of God will follow every man who gives it to him;" was that expression used?—He did not carry out the whole of that expression, but he might have said part of it.

9834. What was it he did say?—I think he said; I cannot swear that he even mentioned the name of Colonel Higgins; I cannot swear that; but the impression that was made upon my mind was, that he meant Colonel Higgins; that Colonel Higgins had sold his country, or words to that effect, and that he was undeserving of support, or he might have said, "he had the presumption." I cannot recollect whether he said that.

9835. Did he say that the curse of God would follow every man who gave to him a vote?—I do not think he did. I do not think he did.

9836. You say you were attending at the chapel?—Yes.

9837. Do you think that would have made an impression upon you if it had been said?—Certainly.

9838. Have you the least recollection of such an expression?—Not the slightest recollection of such an expression; he then began to speak of Catholic landlords who brought in their voters and their tenants, and locked them up in their yards, and would not let them to prayers or to mass upon that day; and I think he said that he hoped the curse of God would not visit such; come down upon those Catholics who so acted; because it is considered a spiritual crime in the Catholic Church not to attend mass on a Sunday, and those persons having kept their tenants locked up, and not permitting them to go to mass upon that day; I think what he said was, he hoped the curse of God would not visit those people for doing that act.

9839. You say it is considered in the Catholic Church a very great crime not to attend mass on the Sunday?—It is.

9840. By the *Committee.*] Was this observation, with reference to his hoping the curse of God would not fall upon the landlords, said in English or in Irish?—I think it was said in English.

9841. You gave us to understand, that in the application, that had reference to people being prevented from coming to mass?—Yes, I think so.

9842. And not to any vote at the election?—I do not think it had; I cannot recollect; there is something floating in my mind about the expressions; he was referring to those landlords; in fact, the principal subject of his satire was condemning the landlords who did so; there was one in particular in the town, who lately purchased a property, who had a great number of freeholders, and this man brought them in; it was said or reported to me, that this man brought them in on Sunday, and locked them up in his yard, and kept them for the purpose of making them vote the next day.

9843. Mr. *Karslake.*] Was that person whom you refer to, Mr. Tighe?—Yes.

9844. Did you know at the time there were voters in the town who were not at mass?—I did not.

9845. Did Father Conway say words to this effect: "You have a perfectly legal right to show your disapprobation of his conduct by shouting and hooting after every one who comes to support him, but take care and do not molest or

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maltreat any of the soldiers or police." Do you recollect that being said?—No, I do not.

9846. Do you recollect anything being said with reference to the conduct of the people during the election?—I have already stated that he recommended the people to follow the advice of their bishop and keep quiet; and I also stated about the town being occupied by military, and the fear, if there was a row, that they would be shot; that is my recollection.

9847. You say that you paid particular attention; on one occasion had something passed years ago about yourself from the altar?—Yes.

9848. Did that make you more than usually attentive to what was said upon such an occasion?—It made me dislike the system of altar denunciations very much indeed; in fact, to hate and detest it.

9849. Did you, upon this occasion, pay particular attention to what Father Conway said from the altar?—I did, particular attention.

9850. Did you stay in the chapel to the end of this conversation of Father Conway's?—I did.

9851. At what time did you leave the chapel?—When all the people were going away.

9852. What time of the day was that?—About half-past one or two.

9853. Were you on that day in Gildea's Hotel, in the public room?—Yes.

9854. Did Mr. Conway come into that room?—He did.

9855. Did he address the people from the room?—Yes.

9856. Will you tell us what he said to the people, or tell us the purport of his remarks?—It would be perfectly impossible for me to state exactly what he said.

9857. I am not asking for the language; I say the purport of the remarks which he made to the crowd?—It was something to the effect of the sermon; something to that effect.

9858. Give us again the effect of what you recollect of that particular conversation?—He said that the town was crowded, and full of military and police, and he also told them something about a pistol; persons going to buy a pistol for the purpose of creating a row. He told them that it was likely that Mr. Higgins's party had persons employed for the purpose of kicking up a row; and he went on to this effect; and I think he recommended them to stop quiet, or if not, that they might be shot.

9859. That was the purport of his address upon that occasion?—Yes.

9860. After that, while you were still in Gildea's Hotel, do you remember the voters coming down the lane?—I did not see the beginning of it, but I saw the conclusion.

9861. What did you see yourself?—I saw the lane crowded; I saw a large van, a railway van, and several persons in the van. It was a van drawn by four horses, with two postillions, I think, with those four horses.

9862. Were there cars besides?—There were cars and horses, and dragoons, and infantry, and police, all pell-mell together.

9863. And a very considerable body of people coming down the lane?—Yes.

9864. The lane is a narrow lane, we understand?—Very narrow.

9865. What did you see yourself?—I saw that, and I saw Mr. Conway under the window where I was.

9866. By the *Committee.*] Do you mean in the lane?—Yes.

9867. You were in Gildea's Hotel?—Yes, looking out at the window.

9868. Mr. *Karslake.*] What was Father Conway doing when you saw him?—He seemed to be talking and remonstrating. I could not hear what he said, but he seemed to be talking in a heated kind of way to the officer and to the stipendiary magistrate, and to young Mr. Bourke.

9869. You did not see the pistol presented, I believe, yourself?—No. I saw Mr. Bourke handing up pistols to either the officer or the stipendiary magistrate.

9870. Was this about the same time?—Yes.

9871. And at that time you say that Father Conway was speaking in an excited manner to Mr. Bourke and the others?—Yes.

9872. What was the conduct of the crowd, of the mob, at the time; there were a great many people there, were there not?—There were not, because the lane was occupied by the military; the people were outside, in the street; they could not

not come in; there were no persons there but the military and Mr. Bourke's freeholders, as far as I could see.

9873. Did you see any riot or disturbance there?—I did not.

9874. By the *Committee.*] Did you see the people, or did you only see the lane?—I saw both the people and the lane; the people that were in the lane consisted of the military and the police, and the freeholders; as I thought.

9875. I want to know whether you saw, at the same time, the crowd that you say was in the streets; whether you could see both the people in the lane and the people in the crowd outside?—No; I could not see the people outside the lane.

9876. Mr. *Karslake.*] Beyond the people that were in the lane at the back door of Monaghan's Hotel, were there soldiers and the police at each end?—There were.

9877. Could you see them, or the people beyond?—No, I could not; there was a projection.

9878. Was there a space between the voters who were coming down the lane, and the end of the lane, or was it all filled up?—It seemed to me to be filled with military and police.

9879. By the *Committee.*] You looked down from the hotel into the lane?—Yes.

9880. Could you see the whole extent of the lane?—No, not at all.

9881. Mr. *Karslake.*] Could you see the whole body of electors and voters who were coming in?—I could not see the whole body.

9882. Could you see the wall of Gildea's Hotel yard?—I saw a wall; one which they told me was the memorable wall; but I do not know whether it was the memorable wall or not.

9883. Did you see the voters go into Monaghan's yard?—I saw some of them going in.

9884. How long did you remain watching them going in?—I remained, I think, until peace was restored, and every one seemed to be quiet; everything going on peaceably; I remained there a good while looking down.

9885. How late in the town were you on that day; how long did you remain in the town on the Sunday?—I remained up to six o'clock.

9886. Were there a good many people about?—There were at first; then afterwards, by degrees, they were going away out of the town; at last there seemed very few indeed in the streets.

9887. Did you observe anything dangerous or violent in the demeanour of the people who were about?—No.

9888. Were you in the town on the Monday?—I was.

9889. Were you there, or about all day; about the streets?—Yes.

9890. Did you vote on that day yourself?—Yes.

9891. I believe you, yourself, have considerable influence in the town among the people; you are known well there as a magistrate?—Yes, I think so.

9892. We understand it was market-day?—It was.

9893. Is that a day on which Ballinrobe is always more or less crowded?—It is always very much crowded on market-day.

9894. You say you voted on Monday?—Yes.

9895. For whom did you vote?—For Mr. Moore and Captain Palmer.

9896. You, yourself, were a supporter of Mr. Moore, and proposed him at the nomination?—Yes.

9897. In the conduct of the crowd on that day, did you see anything violent or dangerous?—I saw nothing dangerous; I saw very little violence, unless you call shouting and hooting people violence.

9898. They did shout and hoot?—I heard them shout and hoot.

9899. You did hear them shout and hoot; but did you see acts of violence committed?—No; I saw no acts of violence.

9900. You say you were up and down the town in the course of the day; were you there for the purpose of using your influence upon the people?—I was.

9901. On the Tuesday morning were you in the town?—On the Tuesday morning I went off very early, a considerable distance, to bring in an English gentleman, who is a tenant of mine, who refused to vote unless I went for him.

9902. Had you a considerable journey to reach that gentleman?—Yes.

9903. How many miles had you to travel to bring him in?—I may say I took a circuit of about 30 miles.

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9904. In what state did you find the country in the circuit you took?—I found it perfectly quiet; no one even asked me where I was going, except one, during the journey.

9905. At what time did you get back with this English gentleman?—I think it was about half-past ten or eleven o'clock.

9906. Were you in the town all that day after you returned to it?—I was.

9907. Did you see, on that day, the troops clear the streets?—I did.

9908. Had you been in the streets at the time?—Yes.

9909. Did you see the clearing of the streets commence?—I did.

9910. Did you see the cause?—I did.

9911. What was it?—Father Conway got up into a window and he commenced to address the people, and he did not speak more than a very few words, when Mr. Kelly, who was in charge of the town, as the magistrate, ordered or called out with a loud voice to the military, to clear the streets, and immediately the cavalry put spurs to their horses, and they began to prance about, and all the people made a rush away, and went tumbling over each other; I was very near being trampled upon myself.

9912. Were you doing any harm?—No; I was merely standing there talking to a person in the street.

9913. Were the people who were dispersed, in any way behaving in a riotous manner at all?—Not at all, certainly; that I swear positively.

9914. Did you see Mr. Courtnay Kenny addressed by the old woman who annoyed him so much?—No; but I saw the crowd; I heard them laughing; I could not get near; when they heard the old woman addressing this gentleman, they all crowded round; I could not get near.

9915. Did you see on that day, or the Tuesday, many of Colonel Higgins's supporters walking about the streets?—Yes; on the Tuesday, I think, I saw some.

9916. Can you mention the names of some of those whom you saw walking about the streets?—I could not say on the Tuesday or what day, but I certainly saw Mr. Valentine Blake, who supported Colonel Higgins; I saw him walking about, and I saw Mr. Tighe.

9917. At whose house Colonel Higgins lived?—Yes; and I think I saw others. I certainly saw others, but I am not quite sure who they were.

9918. By the *Committee.*] At what hour on Tuesday was it; morning or evening?—I think I saw Mr. Valentine Blake.

9919. Were you speaking of Monday or Tuesday?—I certainly saw Mr. Tighe on Monday.

9920. But I ask you on the Tuesday?—On the Tuesday, I saw Mr. Valentine Blake about the middle of the day, walking through the town.

9921. About what hour?—I should say about three o'clock.

9922. Did you see any others walking about at three o'clock, or at any other time earlier or later?—I cannot be positive, but I think I did; it is in my mind.

9923. Mr. *Karslake.*] Was Mr. Tighe a warm supporter of Colonel Higgins?—Yes.

9924. Colonel Higgins was staying at his house?—So I heard.

9925. Was Mr. Tighe walking about the streets unmolested?—Unmolested; I saw him walk through the crowd; a very great crowd; that was on Monday.

9926. And no violence offered to him?—None whatever.

9927. Was he walking under escort or alone?—Alone.

9928. Did you see Mr. Isidore Bourke at all?—I think I did.

9929. When was that?—I cannot positively say.

9930. Either Monday or Tuesday, was it?—I cannot tell you.

9931. Where was he when you saw him?—He was outside the court-house.

9932. Did you see his son there?—I did.

9933. Which son was that?—I think it is the eldest son.

9934. Did you remark what he was doing?—He was escorted by military up through the town.

9935. On what day was that; the Monday or Tuesday?—I think it was on the Monday.

9936. While he was being escorted, what did he do?—It appeared to me that the people were hooting at him very much; he was escorted by military and a stipendiary

stipendiary magistrate; it appeared to me that he turned back, and hooted in return at the people; that he returned the compliment.

9937. You were in the town at the time the poll was adjourned, I believe?—Yes.

9938. And had your attention called to the fact?—Yes.

9939. Had you seen the state of the town at the time the poll was adjourned, or immediately before?—I had.

9940. You observed it?—Yes.

9941. What was the state of the town at that time?—It seemed to me perfectly quiet.

9942. Had you a full opportunity of judging of the state of the town at that time?—I think I had.

9943. Was there any considerable crowd in the streets at the time?—No, very few.

9944. Did you become, in the course of the election, acquainted with Mr. Sharkie?—I did not become acquainted with him, but I saw him.

9945. You knew him by sight?—Yes.

9946. On the Wednesday, did you see Mr. Sharkie after the poll was closed?—I did.

9947. Where was Mr. Moore?—He was addressing the people at Gildea's Hotel.

9948. That is near the court-house?—Yes.

9949. That is the one near the court house, not the one down by Monaghan's?—No.

9950. You were there?—I was at the window, under Mr. Moore; he was over head.

9951. Were you on a level with the street, or nearly so?—I was on a level with the street, or very nearly so; I suppose not four feet over the level.

9952. Did you see Mr. Sharkie come along?—I did; I saw him escorted by a party of dragoons, come up to the crowd that were collected round listening to Mr. Moore, and the crowd made way, and there was a clear street, or a lane, opened through the crowd to let Mr. Sharkie and the dragoons pass through.

9953. Mr. Moore was speaking at the time, I believe?—He was.

9954. Did you see Mr. Sharkie do anything; did anything attract your attention?—He took something like an account-book, and he slapped it in this way, looking up at Mr. Moore.

9955. Was he standing in the carriage to do that, or sitting, or how?—He was sitting; the carriage was moving on.

9956. Did you hear what passed; what Mr. Moore said?—I heard Mr. Moore from the upper window say something like this, "What did he mean by slapping his book"?——I heard what he then said, perhaps it is not necessary to state it.

9957. I should like to hear what he said according to your recollection?—It appeared to me that Mr. Moore ——

9958. Mr. *Edwin James.*] Never mind "appeared"; did you hear him?—I heard him.

9959. Mr. *Karslake.*] Had Mr. Sharkie said anything before Mr. Moore spoke?—No, I did not hear him.

9960. You saw him use this gesture, and you then heard Mr. Moore speak?—Yes.

9961. What did Mr. Moore say?—He asked what his meaning could be in slapping the book in this way, and he then, I think, said, "It is impossible;" or, "do you mean to say, you will falsify the books?" and I think he said then that he believed him capable of it if he did so; I cannot tell you the exact words; but that is the meaning.

9962. I want to know, did you hear him use any words at the time that he slapped the book?—I did not.

9963. After Mr. Moore had said that, did Mr. Sharkie go on?—He drove on.

9964. Is it true that a shower of stones was thrown at him?—No, I did not see them; they could not have been thrown without my seeing; they were not.

9965. Were there any stones thrown at him?—No; unless they were thrown at him in some other place.

9966. But at the hotel they were not?—At the hotel they were not.

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9967. Could you see some distance?—I could see all the way down.

9968. And so far as you could see down the street, were any stones thrown at Mr. Sharkie?—No, certainly not.

9969. Did the crowd offer to molest him in any way as he passed on?—No.

9970. Did you see any sticks flourished at him?—I did not.

9971. Were you in such a position that you might have seen it if it had been done?—I was.

9972. The street there is a narrow street, I believe, is it not?—It is rather narrow.

9973. Now, you have come to the end of Wednesday; I ask you, was this election conducted in a violent or an improper manner at Ballinrobe on the part of the people?—I do not think it was; I never saw a quieter; for a contested election, I never saw a quieter election.

9974. How many elections have you seen?—I have seen a good many; I have seen all the contested elections for the last 25 years.

Cross-examined by Mr. *Edwin James.*

9975. You nominated Mr. Moore?—Yes.

9976. You began by saying, "Mr. Sheriff," I am not going to give you all your speech, "Mr. Sheriff and electors of Mayo, the illustrious Archbishop of Tuam came here to-day for the purpose of proposing Mr. Moore as a fit and proper person to represent this county in Parliament; but finding that his name was not on the registry, and that he had no vote, it devolves upon me to take his place," and you then proceeded to nominate him. Had you seen the Archbishop before?—No, I saw him at a distance.

9977. Had you spoken to him?—No.

9978. Who told you that he had come in to nominate Mr. Moore; you told the electors that he had?—A priest told me at Castlebar.

9979. What priest?—I think the Rev. Peter Conway told me.

9980. What did he tell you?—He told me that the Archbishop had no vote, and that I had better state that to the meeting.

9981. Did Father Conway tell you that the Archbishop had intended to nominate Mr. Moore?—No; he told me to state to the electors that the Archbishop came in for the purpose of nominating Mr. Moore, and that having no vote he was obliged then not to do so.

9982. And you believed that statement?—I believed it.

9983. When did you see Father Conway before the nomination; immediately before it?—I saw him come in with Mr. Moore in a phaeton.

9984. Was it there in the phaeton that Father Conway told you that the Archbishop had intended to nominate Mr. Moore?—No, it was not.

9985. Where was it?—It was when we were standing at the gate, waiting to get into the court-house; he just said to me, "Recollect, you state to the meeting when you are nominating Mr. Moore that the Archbishop came into the town with that purpose," and that not having a vote, finding he had no vote, that I should do so.

9986. That is what Father Conway told you?—Yes.

9987. By the *Committee.*] Did you say Father Conway came in, or the Archbishop?—Father Conway.

9988. Mr. *Edwin James.*] You saw the Archbishop?—I saw him in the carriage, but I did not see him walking or at the steps.

9989. Whom was he with in the carriage?—I do not know what priest he was with.

9990. How many priests?—I was in the hotel looking out of the window when the Archbishop drove up to the hotel; I think there was only one priest with him.

9991. Who was it?—I cannot tell you who it was.

9992. Do you know Mr. Curley?—I do not think it was Mr. Curley; I think it was Mr. Coyne; but I cannot swear it.

9993. You know the Rev. Peter Conway very well; he is your own priest?—Yes.

9994. When did you see him last?—I saw him yesterday.

9995. Is

9995. Is he here?—He is.

9996. Do you know that he is summoned by the sitting Member, Mr. Moore, as a witness here, and is in attendance?—I do not know whether he is summoned or not.

9997. He is in attendance at all events?—I saw him in the lobby here yesterday.

9998. Have you seen him this morning?—No.

9999. It is your chapel, is it not, of which he is the priest; the chapel you frequent?—Yes.

10000. You say that after he read the pastoral, he made certain statements. At what time of the service did he read this pastoral inculcating peace?—After mass.

10001. At the end, at the conclusion of the service, or after mass?—What I call the conclusion of the service.

10002. The entire and complete conclusion of the service, do you mean?—It is the custom of the priests to preach a sermon at a certain time of the mass; when it is concluded, when what is called the sacrifice is concluded, then they have some gospels and things which they read afterwards, but I am not learned enough in ecclesiastical matters to explain exactly, I am sorry to say.

10003. Was this pastoral inculcating peace read from the communion after mass, and before the conclusion of the service?—I think so, what I call the conclusion of the service.

10004. Read from the communion table, from the altar?—Yes.

10005. Did you observe what he read it from?—I think it was from a newspaper; I dare say it was from a newspaper.

10006. Did you observe that he read it from a newspaper?—I really cannot swear what he read it from now.

10007. Could you see well enough to know; were you in the gallery?—No; I could see.

10008. Where were you?—I was underneath in the crowd.

10009. Was there a large assemblage?—Very large.

10010. How many people should you say were in the chapel that Sunday?—The chapel was full.

10011. How many should you say; in your judgment, how many should you say there were?—I should say that the chapel ought to contain 500 people.

10012. A good many of the lower orders?—A great number.

10013. The majority were those?—Yes.

10014. The poorer and lower class?—Yes.

10015. He read this from the altar, from the communion?—Yes.

10016. How soon did he begin to address the people after he had read the pastoral?—Immediately after.

10017. You know Mr. James French, do not you?—Yes.

10018. He is a magistrate, is not he?—I do not know much of him.

10019. Do not you know him?—I only know him very slightly indeed.

10020. He is a respectable man, is he not?—Yes.

10021. Now attend; you say directly after he had read the pastoral he commenced to address the people; just tell me first what you heard him say; what is your version of it; what did he say first; you say you made no memorandum of it at all?—No.

10022. Now I will test you by the statement of a gentleman who did make a memorandum, presently; just let me have your version of it first; after he had read the pastoral, tell the Committee what he said?—As far as I can recollect, he told the people to obey the pastoral, to abide by the advice of their bishop; he then told them the town was quite crowded with military, and that they were commanded by persons who might, or would be, very glad to have an opportunity of shooting them if they did anything out of the way.

10023. Whom do you mean by that?—The magistrates who were in command.

10024. Who did you understand he meant were the gentlemen who were anxious to have an opportunity of shooting the people; I only want to know who it was?—The magistrates, who had a deputation from the sheriff to take charge of the town; that is what I understood; I cannot swear it.

10025. At that time, was there any magistrate with a deputation to take care of the town on that Sunday?—I do not know.

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10026. You say the magistrates who had a deputation to take charge of the town; I ask you if you know, that at that time there was a single magistrate who had a deputation to take care of the town on the Sunday?—I do not know.

10027. I ask your meaning; I am asking you if you knew at that time there was a single magistrate who had a deputation to take care of the town; do you mean to tell the Committee that applied to them?—I do not know whether any magistrate had a deputation or not; I do not know it, but that was the impression made upon my mind when I heard Father Conway speaking in that way. That is all I can tell you.

10028. Go on with his speech. He said the town was in command of persons who would be glad of an opportunity to shoot the people. Tell us his speech; let us have your version of it. You have come to contradict a statement taken down at the time. Tell the Committee first your version, and then I will test your's presently by the other?—I have already told you; I cannot give you the words.

10029. Well give the substance?—Neither could I recollect *seriatim* the substance.

10030. I do not want it *seriatim*; in any way you like; backwards or forwards, or in any way you like, without any connexion. Tell the Committee what you heard said—I was just telling you.

10031. Go on; that is not all you know?—I took no notes.

10032. Just attend; continue, if you please, the speech that you heard; the substance of it; give it in any way you like, alphabetically, chronologically, or in any connexion you like?—Well, he strongly animadverted upon the conduct of the Catholic landlords who brought in their tenants, he said; who brought in their tenants and locked them up, and kept them from going to mass on Sunday; he hoped the curse of God would not visit those people for doing so; for committing such a crime as that. That is another thing that I think he stated.

10033. What next?—Well, it would be impossible to say.

10034. Now, attend to me; you say you know Mr. French to be a respectable gentleman; attend to me; let us be quite sure about its being the same time; let us have no mistake about that. Did you hear him speak in praise of Mr. Moore and Captain Palmer?—I heard him speak in praise of Mr. Moore, at all events.

10035. As a part of this speech; I mean, you heard him speak in praise of Mr. Moore at the altar?—I think so.

10036. What did he say of him?—He said that he was a faithful, honest Member of Parliament, and ought to be supported by the people.

10037. Any more?—He might have said a great deal more that I forget.

10038. Just tell me how long did he speak after he had read the peaceable pastoral; how long did he speak?—I suppose about a quarter of an hour.

10039. He spoke in praise of Mr. Moore; do you mean to tell the Committee that he did not mention Colonel Higgins's name and contrast it with Mr. Moore's?—I cannot swear that he did.

10040. Will you swear that he did not?—I will not swear that he did not.

10041. Did he not speak in praise of Mr. Moore, and did he not say this, "but as to Higgins, he is a most consummate scoundrel;" will you swear he did not say that?—I swear that I cannot by any means find out in my memory that he did.

10042. Can you find out that he did not?—Well, I say that he did not.

10043. You will swear that?—Well, I do swear it. I say that he did not. I swear he did not say that he was a scoundrel.

10044. Did he mention Colonel Higgins's name; you said he praised Mr. Moore; you know what the probability would be; did he mention Colonel Higgins's name?—I do not think he did; at least I cannot swear whether he did or not.

10045. You will not swear one way or the other?—No.

10046. Did he say that Colonel Higgins had broken every promise he had made at the last election?—That I think he said.

10047. Then, must he not have mentioned Colonel Higgins's name?—He might say it without mentioning his name.

10048. What?—He might say it without mentioning his name; he might say it in such a way that every one would understand who he meant, without mentioning his name.

10049. Did

10049. Did he say, "He has deceived you in every point"?—He might have said something to that effect.

10050. Did he say, "He has sold his country, his body, and his soul, yet he has now the presumption to come and ask for your support"?—He may have said words to the effect that he had sold his country, but I certainly say he did not make use of so strong an expression as that he had sold his body and his soul.

10051. What did he say?—He said he had sold his country, or some words to that effect.

10052. Will you swear he did not say, "He has sold his country, his body, and his soul"?—I will swear that he did not say, "He had sold his body and his soul."

10053. You swear that?—I do.

10054. Your recollection is sufficiently accurate, is it, to enable you to say that?—I swear it, because I am certain if he had said so, the expressions are so strong, that they would have made a strong impression upon my mind, so that I could not escape recollecting such strong expressions.

10055. Will you swear that he did not say this, "But believe me, the curse of God will follow every man who gives him his support;" will you swear he did not say that?—I do not think he did.

10056. Is your recollection sufficiently accurate to enable you to contradict that which a gentleman has sworn upon his oath was said.

Mr. *Karslake* objected to the question, as being put in an intimidating form.

10057. Mr. *James.*] Are you intimidated?—No.

10058. I thought not. Just attend; did he say this, "Believe me, the curse of God will follow every man who gives it to him;" will you swear he did not say that?—Well, I swear that I do not think he did; I do not recollect it.

10059. I will put it again; assuming that to be sworn by a gentleman who made a memorandum at the time, is your recollection sufficiently accurate to contradict, upon your oath, that he said, "But believe me, the curse of God will follow every man who gives it to him;" yes or no?—my recollection is perfectly able to say that such a strong expression as that could not, or ought not——

10060. Do not say "could not, or ought not;" that we are all agreed upon, that he ought not; but assuming a gentleman to have sworn that he said it, and that he made a memorandum at the time, is your recollection sufficiently accurate to pledge your solemn oath before this Committee that he did not say, "Believe me, the curse of God will follow every man who gives it to him"?—I swear that I have not the most remote recollection of those words being used.

10061. Is your recollection sufficiently accurate of that address to enable you to state upon oath that that did not occur; yes or no?—I cannot answer the question.

10062. Did he say this, "You have a perfectly legal right to show your disapprobation of his conduct, by shouting and hooting after every one who comes to support him"?—He certainly, I think, did not say that.

10063. Is your recollection sufficiently accurate to enable you to say he did not?—What I recollect upon that is this; my recollection upon that subject is this; that he told the people that although the town was crowded with military, yet they had not the power of stopping their mouths.

10064. The military had not?—Or the magistrates.

10065. Assuming him to have said all that, I must come back to what I asked you; is your recollection sufficiently acccurate of what passed to enable you to swear that he did not say, "You have a perfectly legal right to show your disapprobation of his conduct by shouting and hooting after every one who comes to support him;" is your recollection sufficiently accurate to enable you, as an honest man, to pledge your oath to that?—Certainly; I will not answer that question; but I believe he did not say it.

10066. Is your recollection accurate enough to enable you to swear that he did not say that if that has been sworn by an honest man as having been said?—That is another question altogether.

10067. Is your recollection accurate enough to enable you to contradict that upon oath, if that has been sworn?—My recollection of that circumstance is not

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sufficient to swear that it was not said when a respectable man, as he states, has sworn to the contrary; but I believe that it did not take place.

10068. Did he say this, "But take care, and do not molest or maltreat any of the soldiers or police;" will you swear he did not say that?—I think he told them not to maltreat any person.

10069. "The soldiers or police?"—I cannot recollect whether he said that.

10070. I put the exact terms to you; will you swear he did not say in his speech, "But take care, and do not molest or maltreat the soldiers or police;" will you swear he did not say that?—I must give the same answer.

10071. What is that?—The same answer that I gave before to the other, that I do not think he said it; but, at the same time, my recollection, not having taken notes of this, might be mistaken.

10072. You say that his reverence got heated towards the middle of the day; you say he got heated, hot; how was he heated; "he was talking in a heated way," I took down your words; is his reverence a coolish person, or is he easily heated. He is your minister, you know; is he a violent man, or is he like the pastoral, peaceful; is he extremely hot?—He is a hot man.

10073. Do you mean hot-headed?—Hot-headed.

10074. Does he soon get hot?—I really cannot swear to all these things.

10075. But you have seen his manner; he is your priest, and you say he was talking in a heated manner; is he a man easily excited upon a matter?—That is my opinion of him.

10076. As to this speech which you have given your account about; what time was that speech made in the day; about what time did the service conclude?—In the chapel?

10077. In the chapel?—I should say about one, or half-past one o'clock.

10078. How soon after the chapel was over did you observe his reverence speaking from Gildea's Hotel?—I think it was about an hour after; I could not exactly say.

10079. Was he gradually getting warmer at that time?—He commenced to address the people from the window.

10080. Where were you at that time?—I was in the public room.

10081. Did you hear his speech?—I did.

10082. Did you hear him say that he wanted 100 men to meet him in a short time?—No.

10083. Will you swear he did not?—I swear he did not.

10084. Will you swear he did not; did you hear him say he wanted 100 men to meet him, from Gildea's Hotel?—I did not.

10085. Will you swear he did not say that?—I will swear I did not hear him say it.

10086. Is your recollection accurate enough of what he said from Gildea's Hotel, to enable you to say, that he did not say from that window that he wanted 100 men to meet him?—I swear I did not hear that.

10087. What was the substance of his speech from Gildea's Hotel?—He stated to them that it was very likely, almost the fact, that Colonel Higgins's friends had a mob employed, or persons employed for the purpose of creating a row, and he recommended them to be very cautious in their conduct, or that the military would knock them down, or shoot them.

10088. Up to this time, until he began to address the people in front of that place, do you mean to swear to the Committee that there was any mob in the town of Ballinrobe on the Sunday?—There was a crowd of people, what we call a mob, upon the Sunday.

10089. Had the 600 or 700 people followed him from his chapel to the front of Gildea's window?—I think they had.

10090. You think the people whom he had addressed from the altar, had followed him from his chapel to Gildea's window?—I know they did.

10091. Had he told them in the chapel that he was going from the chapel to address them at Gildea's window?—He had.

10092. What did he say from the altar about his addressing them on the Sunday from Gildea's window?—He said he was about to hold a meeting, and I suppose he wanted them to attend the meeting.

10093. He told them he was going to hold a meeting; he told them at the chapel; were not the people in front of the window, the people who had been his

his congregation, the 600 or 700 people who had been in his chapel, the people in front of Gildea's window?—Yes.

10094. How far is the chapel from Gildea's window?—I should say about very nearly a quarter of a mile.

10095. Did you not see the men, these 600 or 700, whoever they were, go from that chapel to the window, where he said he should address them?—I saw the people come up from the chapel all in a string, and go through the street.

10096. And placed themselves in front of the window, where his reverence addressed them?—Yes.

10097. How long did that speech last?—That speech lasted about, I should say, ten minutes or a quarter of an hour.

10098. By the *Committee.*] At Gildea's Hotel?—Yes.

10099. Mr. *Edwin James.*] Did he say that the supporters of Colonel Higgins, the traitor, had come in, and that they had escaped them, and that others were coming in on the Neale-road; did he say that from Gildea's window?—Well, I cannot swear whether he said that or not.

10100. Did he say that the supporters of Colonel Higgins, the traitor, had come in, and that they had escaped them, and that others were coming in on the Neale-road; did he say that from Gildea's window?—Well, I have no recollection of it.

10101. Will you say he did not?—I will not say he did not.

10102. If that has been sworn to, will you say he did not say it?—Well, I do not care who swore it as a fact; but I will not say it is a fact on that account.

10103. Will you say he did not say it?—I will not say he did not.

10104. Will yous wear he did not say that others were coming in on the Neale-road, and he wanted 200 men?—I did not hear him say that; I have not the most remote recollection of his having said that.

10105. Not about the 200 men?—No.

10106. Did he say, "Come, boys, let 200 of you go up to my house, and 100 remain on either side of the street"?—He certainly did not say that in my presence.

10107. Did you hear the whole of his speech?—I heard the whole of his speech from the window.

10108. In what tone or manner did he address the people from the window?——He addressed them quietly enough; I do not think he was particularly excited.

10109. Where was it you spoke of his being hot; because I took your words down; when was it you spoke of his speaking in a heated manner?—It was when I saw him in the lane.

10110. We have got him speaking now at Gildea's Hotel; where did he go from the window of Gildea's Hotel; where did he proceed to then?—I do not know; he went out of the room, and I then saw him on horseback afterwards.

10111. Does he keep a horse, then?—He does.

10112. Where did you see him mounted on horseback after he had done his speech?—I saw him riding through the street; galloping through the street.

10113. Which way was he gallopping?—He was galloping from where he was towards that side.

10114. Gradually getting hotter, I suppose, at that time?—You may judge of that as you please.

10115. He was galloping down the street from his house?—Yes.

10116. To what direction?—To the direction of the lane.

10117. Is that the lane, as it has been described, in which the voters, coming along from Claremorris, could come up and get into Monaghan's yard?—It is.

10118. Is that a back entrance into the town which voters can take who are coming in to escape passing through the public street?—It is.

10119. And to that lane you saw him galloping?—Through the main street; he was in the main street when I saw him galloping.

10120. Was he going in the direction of that lane?—Yes.

10121. Do you know what he was wanting; he was galloping up from his house up the main street to the lane where the voters could come in from Claremorris?—Certainly.

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10122. Is it a usual thing for a priest to address the people on a Sunday, or to be seen galloping up the town?—Certainly not.

10123. Did it not strike you as unusual?—It was unusual, certainly, but it did not strike me to be very extraordinary when I considered the approaching election.

10124. Seeing his reverence galloping up the street towards this lane, where did you next see him?—In the lane.

10125. What was he doing there in this lane where the voters could come in from Claremorris?—As I before told you, he was remonstrating, as I thought, in an excited manner; remonstrating against something, or saying something in the lane to the officer in command.

10126. Did you observe the troops; were there some cavalry there as well as infantry?—Yes.

10127. Did you observe that the troops were drawn across the lane, so as to keep the lane clear at the back for any persons that wanted to get into Monaghan's yard?—I saw at the front of the lane, where it met the main street, that there was a line of police or soldiers, I forget which, drawn across to keep the people from going in.

10128. Would that have had the effect of keeping the lane clear for those people who were behind, seeking their entrance into Monaghan's yard?—It would keep the lane free from the populace that were in the main street.

10129. It would keep the lane free from the populace in the main street?—Yes.

10130. Keep it free for those who came in, or any person coming from Claremorris, up that back lane into Monaghan's yard?—Yes.

10131. What was he saying to the officer in command?—I could not hear what he was saying.

10132. Was he speaking in a violent manner?—He seemed to me to be remonstrating, as I said before, in a hot manner.

10133. Had he got his hat on or off?—I think he had his hat on.

10134. Had he got his hat on or off?—I think he had it on; I think so; that is my impression.

10135. While he was remonstrating, and the troops were drawn across, did you see what was going on, whether all was clear in the lane; when the people were getting into Monaghan's yard, what was going on?—Yes.

10136. I ask, were not Colonel Higgins's voters, a number of them, coming up that lane from Claremorris, seeking to get in the back way into Monaghan's yard?—No doubt they were Colonel Higgins's voters coming up that lane, seeking to get into Monaghan's yard.

10137. Were not the military drawn across that lane, to keep the access clear for them to get into Monaghan's yard, and to keep the populace out from the main street?—Certainly they were.

10138. I think you say you did not see this memorable wall?—I do not know what the memorable wall is.

10139. The wall?—There is a wall, running on one side nearly the entire length of the lane; the wall runs on one side; I do not know what part of the wall is called the memorable wall.

10140. Did you see Father Conway on a wall; come?—No.

10141. What?—I was looking out, and I say when I saw him he was on horseback.

10142. When you saw him he was on horseback?—And also on foot; I saw him in both positions.

10143. Was he on horseback when he was remonstrating in a violent way with the officer in command, or on foot?—He was on foot when he was remonstrating.

10144. What became of his horse?—I saw him dismount in front, when the military would not allow him to pass in on horseback into the lane; he then dismounted, and threw his reins to some one who took care of the horse.

10145. Did it occur to you what this gentleman on horseback wanted when he was remonstrating with the military for not allowing him to pass when Colonel Higgins's voters were coming in; did it occur to you what he wanted?—I could not tell.

10146. You saw no reason, as far as you observed, why he came there, or anything that required him?—I know the thing that ought to be the reason that would bring him there.

10147. What

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10147. What ought it to be?—It ought to be his duty to try and keep the peace, and to keep the people from getting into collision with the military.

10148. Do you think he was keeping the peace, the military being anxious to prevent the populace from coming down that lane when the voters were coming in; was it keeping the peace to remonstrate with the military for doing so?—I did not tell you that he remonstrated with the military for doing that.

10149. What was he remonstrating with the officer in command for; what was he saying in this heated way?—I cannot say; if you wish me to state what I believe or what I thought was the reason, I will.

10150. What did you think?—I thought he might have been maltreated by some one or other by the military; that he was complaining of some one.

10151. You had seen him galloping up the town before on horseback; was anybody maltreating him?—Not at that time.

10152. Had you seen any one maltreat him?—No.

10153. What ostensible cause was there for Father Conway galloping on horseback, and going on horseback to the military and police when they had formed themselves in a position to prevent the mob going down the lane; now, will you tell the Committee any ostensible reason for his being there?—I cannot tell any further than what I saw at the moment; he was remonstrating; that was the only thing. I saw young Mr. Bourke delivering up his pistols to the stipendiary magistrate, and it occurred to me that he was remonstrating with Mr. Bourke for having pistols in such a place at all.

10154. Remonstrating with Mr. Bourke?—Or with the officer.

10155. What took him there?—That is another thing; that is a question I cannot answer.

10156. You said just now, that peace was restored after this; did you see the voters of Colonel Higgins who came up in the vans and cars; did you see them pass into Monaghan's yard, through the interference of the military?—I saw several of them.

10157. How soon was peace restored?—Very quickly.

10158. About the same time that peace was restored, are you aware that Father Conway started on horseback for the Neale-road?—No, I am not.

10159. Are you not aware now that he started?—From what I read in the paper.

10160. When you say peace was restored, are you not aware that he started on horseback for the Neale-road?—No.

10161. When did you see him first after the remonstrance; when did you see him again?—I did not see him again until, I think, either Monday or Tuesday.

10162. Then you did not know from him whether he started on horseback or not for the Neale-road?—No, I did not. I just remember now that he showed me a letter from Lord Kilmaine to him; Lord Kilmaine calling upon him to go to Neale to see his tenants, for he was fearful that his agent was more in the interest of Colonel Higgins than the other; something to that effect.

10163. Having got this letter from Lord Kilmaine, did he start upon the Neale-road?—I do not know, but he said he would.

10164. He said he would start; did you see him start?—No, I did not.

10165. After he had left, was the town tranquil?—Yes; I do not know whether he left or not; I am not stating that he left.

10166. He told you he would go to Neale; after you lost sight of him, was the town tranquil?—Yes.

10167. You have said that the voters could pass about the streets; walk about the streets; and I think you gave the instance of seeing Mr. Valentine Blake and Mr. Tighe; do you happen to know that Mr. Valentine Blake voted for Mr. Moore?—I heard so since.

10168. Do you happen to know that Mr. Tighe, at whose house Colonel Higgins stopped, also voted one vote for Mr. Moore?—No, I do not; his son, I heard, did.

10169. Mr. Thomas Tighe, of Ballinrobe, he voted for Moore and Palmer?—I do not know.

10170. Here it is: "Thomas Tighe, 342 on the register—Moore and Palmer"—Yes.

10171. Will you give the names of any of the other voters of Colonel Higgins whom you saw in the town alone?—I saw Mr. Tighe; I cannot remember any other.

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10172. Will you give the name of any other but Mr. Valentine Blake and Mr. Tighe who voted for Mr. Moore, whom you saw in the town alone?—I cannot speak positively; but I think I saw Mr. Isidore Burke outside the court-house.

10173. You were asked as to walking about the town without molestation?—That is another thing; I saw him outside the court-house.

10174. Will you give the name of any voter walking in the town without molestation who supported Colonel Higgins, except those gentlemen?—I cannot.

10175. Will you give me the name of a single voter who voted for Colonel Higgins, without an escort to the poll?—When I was standing at Gildea's window, I saw Mr. Cannon and Mr. Lewin drive in in a gig, and they drove straight up to the court-house, and I saw no escort with them.

10176. Did you see them go to the poll?—No; I did not see them go in to poll, but I saw them drive right down the street.

10177. Will you give the name to the Committee of a single voter whom you saw vote for Colonel Higgins without a military escort; one?—I cannot.

10178. Is Cannon a voter at all?—I do not know.

10179. I asked for the name of a voter; I ask for the name of a single voter who voted for Colonel Higgins without a military escort, and you tell me about Cannon driving in a gig?—Cannon and Lewin.

10180. Is Lewin a voter?—I believe he is.

10181. Will you give the name of a single voter whom you saw record his vote at the court-house for Colonel Higgins without the protection of the military; any one you please in the whole list?—No; I will not attempt to do so.

10182. Can you give me a single name?—No, I cannot.

10183. Can you give the Committee the name of a single voter who recorded his vote for Colonel Higgins without the protection of a military escort?—No; I cannot. I shall not try to do a thing that I cannot do.

10184. You went 30 miles into the country for a voter?—Yes.

10185. It was very quiet?—Yes.

10186. Everybody knew you were a supporter of Mr. Moore; you proposed him?—Yes; but every one, the whole county, did not know me.

10187. You had nominated Mr. Moore, and was not it very well known that you had nominated Mr. Moore, and were a supporter of his?—It was.

10188. You say it was perfectly quiet and tranquil, as far as you observed; you mean by that, you were not molested?—Or that I did not see anything like agitation or turmoil through the whole county.

10189. Did you see one single batch of voters upon that journey coming up for Colonel Higgins without a military escort?—No; I met a batch of voters going back, returning with a military escort.

10190. Of Colonel Higgins's?—Yes.

10191. How far did the military escort them to their homes?—When I met them, they were at a place called Brook-hill.

10192. Where is that; how far from Ballinrobe?—I should say about eight miles.

10193. They had the military escort then on the way from Ballinrobe, eight miles on the road?—I met the military with them.

10194. Do you know that those men had left Ballinrobe, escorted by military, at four o'clock in the morning?—I do not know.

10195. What time did you meet them?—I think I met them about eight o'clock.

10196. You met them about eight in the morning on their journey eight miles?—Yes.

10197. What pace did they go; walking or trotting?—I cannot tell; they were walking when they were passing me.

10198. Then they must have left early in the morning, at all events?—Yes.

10199. Was it eight Irish miles or English?—I think it was eight Irish.

10200. I must repeat the question. Either going or returning, can you tell this Committee that you saw a single party of Colonel Higgins's voters without a military escort?—So far as that, when I was passing through the town about three o'clock in the morning, or at daylight, I saw a party on horseback of persons; I do not know whether they were voters or not; they seemed to be voters leaving the town, I thought; but I cannot tell whether they were Colonel Higgins's voters or not.

10201. You saw some men going out of the town early in the morning. I am asking you upon this journey, upon which you say the county was so peaceable, whether you saw a single batch of Colonel Higgins's voters coming or going without a military escort?—No. I only saw the one party that was escorted.

10202. Escorted home eight miles; were they on cars or not?—On cars.

10203. Were you at Ballinrobe during the whole of the polling?—Yes.

10204. You say that Mr. Sharkie was going along with a military escort and had the poll-books in his hand?—Yes; I suppose they were the poll-books.

10205. Just look at a poll-book. (*A poll-book was shown to the Witness.*) Were the books like that?—They were folded up in paper about that size.

10206. I think you said that you did not accurately hear what Mr. Sharkie said?—Accurately?

10207. Did you hear what Mr. Sharkie said?—I did not hear him say a word at all.

10208. Were you within hearing when he was passing, and you say he slapped the poll-books?—I was.

10209. Did he say "Mr. Moore, recollect I bear the poll-books, and in the name of Her Majesty I call upon you to protect me?"—Certainly I did not hear him.

10210. Is your recollection accurate enough to enable you to say that he did not say that?—I swear he did not say that.

10211. You swear that?—Yes.

10212. Did he say anything about the poll-books?—He did not say a word at all.

10213. Did he speak?—No.

10214. That you swear?—Yes.

10215. What did Mr. Moore say?—When he saw him slapping the poll-books in this way, Mr. Moore called out or said, "What does he mean by slapping his books?" or something to that effect.

10216. Did Mr. Moore say this, "I know you bear the poll-books, and I trust you will not tamper with them"?—He said either "Do you intend to tamper with them? I believe you are perfectly capable of it;" or something of that sort.

10217. Besides that complimentary speech, did he say this, "I know you bear the poll-books, I trust you will not tamper with them;" did he say that?—Mr. Moore said something to that effect.

10218. Was not that in answer to something that Mr. Sharkie must have said?—No; Mr. Sharkie, I tell you, did not say anything; I should have heard his voice when he was passing.

10219. Where were you?—I was at the lower window.

10220. Was there a large mob round Mr. Sharkie?—Not round him; he was surrounded by military.

10221. How many military had he with him?—About 20 soldiers.

10222. Horse or foot?—Horse.

10223. And a large mob besides the military?—Yes.

10224. Following him?—Not following him.

10225. Following in the same direction?—No; they were standing up listening to Mr. Moore's speech.

10226. When Mr. Sharkie passed by with the military, they were listening to Mr. Moore's speech?—Yes.

10227. Where did he go to, do you remember?—He went on straight through the town.

10228. Did you hear Mr. Moore, when he was speaking to them say, "Boys, where is your priest, Father Peter Conway"?—I think that is the way he commenced his speech.

10229. He commenced his speech by saying, "Boys, where is your Father Peter Conway?" Had you seen this placard out at that time (*showing the green placard to the Witness, headed "To the People of Ballinrobe"*); had you seen that?—I had.

10230. You saw that that was placarded about the town. Mr. Moore began his address by saying, "Boys, where is Father Peter Conway," did he?—He did.

10231. What did the boys say to that?—They were cheering.

10232. What did Mr. Moore say then about Father Peter Conway?—I did not take notes of his speech at all.

10233. When he said that they began to cheer?—Yes.

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10234. How soon after that did you see Father Peter Conway?—About the middle of Mr. Moore's speech.

10235. Did you observe that some of the people went away from him after he said, "Boys, where is Father Peter Conway?" that some of the people went away from Mr. Moore in the direction of Father Peter Conway's house?—No.

10236. You did not observe it?—No.

10237. Nobody?—I cannot say as to one.

10238. Did you observe any of the mob, after Mr. Moore said, "Boys, where is Father Peter Conway?" that any of the mob then went in the direction of Father Peter Conway's house?—I did not see any.

10239. How soon after Mr. Moore had made this address, and said, "Where is Father Peter Conway?" how soon after that did Father Peter Conway appear?—About the middle of Mr. Moore's speech.

10240. Did he come up among the mob on horseback?—Yes.

10241. With a red scarf round him?—I really do not think he had a red scarf round him.

10242. Had he anything particular?—I saw nothing particular, but that he rode up to the meeting and took off his hat.

10243. Before this Sunday, the 5th of April, were you at chapel on the two previous Sundays?—Yes.

10244. At Father Conway's chapel?—Yes.

10245. Had he said anything about Colonel Higgins from the altar?—There are three priests in Ballinrobe, they say mass alternately, and I generally go to the last mass, being in the country; and I do not think Father Conway said any of those masses that were before, at least, when I was there.

10246. On the previous Sundays before the 5th of April, had you heard Father Conway say anything about Colonel Higgins from the altar?—I cannot recollect that I had.

10247. Is it usual, is it so usual, that these things should be talked about, and so on, at the altar, that you do not remember, or would it have struck your attention?—It is unfortunately too usual for priests to allude to private matters; it is too much so; but I cannot recollect.

10248. You yourself have complained, have you not, to Dr. M'Hale of personal denunciation against yourself?—I did not complain; I wrote Dr. M'Hale an angry letter.

10249. As to a personal attack upon you by a priest during the service?—Yes.

10250. What was the result?—The result was, that it all ended in smoke.

10251. Had you heard, either by Father Conway, or by any other priests, before this Sunday, the 5th of April, anything said at the altar about Colonel Higgins; I am sure you will answer candidly, because you have been denounced yourself, and you know how pleasant it is; I ask you, did you before this Sunday, the 5th April, hear any priest in the chapel, either Father Conway, or any other priest, mention anything as to Colonel Higgins's election?—I certainly heard allusions made to him, but I cannot swear that his name was mentioned.

10252. At the altar in the same way?—Yes.

10253. On previous Sundays?—On previous Sundays; but I cannot say that it was exactly the Sunday previous, or the one before that, but on Sundays previous to that time.

10254. Who was the priest?—I have heard Mr. Conway.

10255. Was that on the eve of the coming election; the approaching election?—It was before the election.

10256. After the dissolution of Parliament?—Oh, I cannot swear that; I cannot tell you exactly.

10257. How frequently had you heard Father Conway speak of Colonel Higgins from the altar about the election; how frequently; how many Sundays do you think?—I always tell you that I cannot swear that he mentioned Colonel Higgins; but he alluded to him, I think, several times.

10258. And to Mr. Moore?—Oh, well, I cannot tell you about Mr. Moore; they took no trouble about Mr. Moore, because Mr. Conway always supported Mr. Moore; he is a particular favorite of his.

10259. Did you hear the other priests of the chapel, besides Father Conway, allude to Colonel Higgins and the election from the altar?—No, I did not.

10260. Nobody

10260. Nobody but Father Conway?—No.

10261. You have been at chapel since this; it is your regular chapel?—Yes.

10262. Have you heard Colonel Higgins's petition read from the altar; the petition to the House of Commons?—I did hear either it or part of it.

10263. You got a printed copy of it, did you not?—I did.

10264. From whom?—Through the post-office, I think.

10265. From whom did it come?—I really cannot say.

10266. I am sure you will say it; you have given your evidence like a gentleman, if you will allow me to say so; when did you hear Colonel Higgins's petition read from the altar; the petition to the House of Commons?—Some time after it was mentioned.

10267. I am speaking of Mr. Conway's chapel?—Yes.

10268. Did you hear Colonel Higgins's petition read from the altar in more chapels than Mr. Conway's?—I do not attend any other chapels.

10269. Who read Colonel Higgins's petition from the altar?—I think it was Mr. Conway.

10270. What did he read it from?—I think it was from a newspaper.

10271. Did he begin the reading of it by saying, "Listen to the petition of the Catholic calumniator"?—He might have said some words to that effect.

10272. And then did he read out Colonel Higgins's petition to the House of Commons to the congregation from the altar?—Yes.

10273. Did he make any comments upon it?—I cannot recollect now indeed.

10274. Did you hear this petition read more than once by Father Conway at this chapel?—I do not think I did.

10275. Was any subscription proposed at the time that he read it?—There was a subscription made for Mr. Conway.

10276. What for?—I cannot say exactly.

10277. Did you subscribe to it?—No.

10278. I am speaking of Mr. Conway reading the petition from the altar; did he say anything about a subscription for the Moore indemnity fund?—I cannot say; it was generally understood; I think he or the other priests stated to the people that they should subscribe to support Mr. Moore's defence of the petition.

10279. In the chapel, is that?—Yes.

10280. And from the altar?—Yes.

10281. Was it the same day that Mr. Conway read the petition to the people of his congregation from the altar?—I cannot tell you that.

10282. The people had been requested by the priests to subscribe; did you subscribe?—I subscribed to Mr. Moore's fund.

10283. The indemnity fund?—Yes.

10284. Whom did you pay the subscription to?—I paid it at the chapel door, going into the chapel; to the collector that stood there.

10285. I ask you if there was not mentioned in the chapel at the time that that petition was read a subscription for Mr. Conway to enable him to come over to England to conduct the opposition to the petition against Mr. Moore?—There was no announcement to that effect from the chapel; but I heard that the people made a subscription themselves, and I also heard Mr. Conway thank the congregation for the sum they presented him with.

10286. Was it 100*l.*?—I do not know; he did not mention the sum.

10287. What was it for?—I do not know, unless it was that.

10288. Did you not hear it mentioned that it was to enable Mr. Conway to come over to England to conduct the opposition to the petition against Mr. Moore?—I cannot tell.

10289. Will you tell the Committee what it was for?—I do not know.

10290. Had it reference to the election?—I think so.

10291. Was this a separate subscription to the Moore indemnity fund?—Yes.

10292. You subscribed to the Moore indemnity fund, but you did not subscribe to the Conway fund?—No.

10293. You say it had something to do with the election?—Yes.

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10294. If I understand, you have, since the election, attended mass in the chapel in which Mr. Conway officiates?—Yes.

10295. And continue to do so?—Yes.

10296. Is it to your knowledge the practice, whether good or bad, for priests to discuss public affairs, and private matters, from the altar?—I say it is too much so.

10297. It is the practice to do so?—It is.

10298. A practice to which you personally object?—It is.

10299. I think you say that on one occasion, you, yourself, had comments made upon you from the altar in Ballinrobe?—Yes.

10300. That was not by Mr. Conway, I believe?—No.

10301. From that circumstance were you more particularly; was your attention more particularly called to what Mr. Conway was saying on the day before the polling?—It was.

10302. Can you undertake to say that he used the words that you have given us; that he hoped the curse of God would not visit the landlords for not allowing the voters to go to mass?—That is what I think he said, to the best of my recollection.

10303. Did you hear the whole of what Mr. Conway stated?—I did.

10304. And did you pay attention to the whole of it?—I did.

10305. Have you any recollection whatever of his using the words which I put to you; that Colonel Higgins had sold his body and his soul, and "believe me, the curse of God will follow every man who gives his vote to him;" have you any recollection whatever of that?—No recollection whatever.

10306. Do you think those words would necessarily have made an impression upon you if they had been used?—Certainly.

10307. I think you said that this was at mass, and after the mass was concluded?—Yes.

10308. After the mass is concluded, is it the custom in Roman-catholic chapels to go on with other religious exercises; the Gospel is read then, and I believe even a sermon preached sometimes?—Yes.

10309. Is it the practice of some of the congregation at times to leave after mass; is that considered a distinct part of the service?—There are some leave before the sermon; before that time.

10310. As soon as mass is concluded?—Yes.

10311. I suppose, occasionally, there is no sermon?—Yes.

10312. The service concludes with a mass?—Yes.

10313. Was the time selected by Mr. Conway for making this address, the time usually selected for making these sort of addresses from the altar?—Yes.

10314. You say you know Mr. French?—I cannot say that I know him.

10315. I believe he does not live there or near there?—He does not; I know him by sight.

10316. How long after you had heard this speech in the chapel, was it that you heard Mr. Conway again address the people at Gildea's Hotel?—I should say about half an hour or an hour.

10317. Did you, yourself, upon that occasion speak from Gildea's Hotel?—I did.

10318. Was Father Conway there at the time?—He was.

10319. And the same people as Father Conway addressed?—Yes.

10320. Did Mr. Conway address them before you did?—He did.

10321. Was there anything in the tenor of his remarks that was otherwise than peaceful?—I do not think there was.

10322. What was the purport of your speech?—My speech was calling upon the people to get away home and to act peaceably. I said very, very few words indeed.

10323. Repeat that?—Urging the people to go home, not to remain in the town, and to act peaceably.

10324. During the election was that?—Yes.

10325. This must have been about two o'clock in the day, was not it?—About two or three o'clock.

10326. Was it some time before Mr. Bourke's voters, this cavalcade you told us of, came in?—Some time.

10327. When was it Father Conway told you he had had a letter from Lord Kilmaine;

Kilmaine; was that before you saw him on his horse, or afterwards?—It was before I saw him on his horse.

10328. Then when he told you that, having addressed the crowd, at Gildea's Hotel, what became of that crowd; did they disperse?—They dispersed.

10329. And then Father Conway went in the direction of his house?—I do not know where Father Conway went.

10330. Will you tell me where you remained during that time?—I remained in the hotel.

10331. Was the next thing to which your attention was called, the voters coming up the lane?—Yes.

10332. And I understand you were looking out from the window which looks into the lane?—I was looking out at the latter end, I was not at the beginning.

10333. You were looking out from the window that looked into the lane?—Yes.

10334. Would the wall that has been spoken of be on a line with the window?—I think it would.

10335. Were you sitting in a room which commanded the lane at the time?—Commanded that part of the lane.

10336. You say, your attention was not sufficiently attracted to induce you to look out, until you looked out and saw what you told us?—Yes.

10337. At the moment you saw Father Conway speaking, as you say, in an excited or heated manner, did you see the pistols?—Yes, I did; I saw Mr. Bourke, or rather I saw the stipendiary magistrate put his hand into a leather case, which Mr. Bourke had strapped about him, and take out the pistols, and take them.

10338. That was at the same moment that you heard Father Conway speaking in this way?—Yes.

10339. Had you seen Father Conway from the time you saw him leave the hotel until the moment you saw him come down with his horse; you remained in Gildea's Hotel after the speeches had been made?—Yes.

10340. Did you see Father Conway again before you saw him give his horse to somebody, and go into the hotel?—No, I did not.

10341. How long was it after Father Conway gave his horse to the man and went into the lane, that you saw him speaking in an excited way to Mr. Bourke?—I think it was almost immediately.

10342. Had you seen where Father Conway was after he had galloped down the street and had given his horse to somebody; did you see what became of him from that time to the moment you saw him speaking in that excited manner?—No; because I could not see round the corner.

10343. You have been asked about Mr. Valentine Blake, who you say was about the town; did he vote for Colonel Higgins as well as for Mr. Moore?—So I hear.

10344. Was he a supporter of Colonel Higgins?—I believe so.

10345. You spoke of a man called Tighe?—Yes.

10346. Is that Robert Tighe or Thomas Tighe, at whose house Colonel Higgins lived?—I think it is Robert Tighe; he is the father.

10347. Is that the person who was about the town?—Yes.

10348. What is he?—He is a retired merchant.

10349. A man very well known in the town?—Quite well known.

10350. Was he well known as an active supporter of Colonel Higgins?—Yes.

10351. In answer to my learned friend you said that you saw Cannon and Lewin come in in a gig, and come up to the hustings?—I saw them drive by the hotel where I was, and as far as I could see them down the street, I saw them drive down without an escort.

10352. Do you know whether Lewin plumped for Colonel Higgins?—I heard so

10353. What Lewin is it?—He is Mr. Lewin, of Cloghan.

10354. You were asked about escorts; has it always been the custom, in your recollection, to have escorts for voters?—Where there was a contested election.

10355. The side which is the least popular in the town always has an escort?—Certainly.

10356. You say, in the course of your travel on the Tuesday morning, not only you were not molested, but that you found no crowd of people collected?—I saw no crowd whatever; I passed through the town of Claremorris, and I saw

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no crowd there; I passed through the town of Hollymount, and I saw no crowd there.

10357. You were asked questions about Mr. Sharkie; how far were you from Mr. Sharkie at the time he made the stop and held up the books?—I do not suppose I was farther than from this to the door.

10358. Did the persons who were listening to Mr. Moore fall back readily when the carriage came up?—They did, most readily; I thought it very strange, they seemed fearful of the dragoons.

10359. They fell back quite readily?—Yes.

10360. Did the carriage stop?—I do not think it did; the car; they walked through very quietly; they could not go first unless they drove over the people.

10361. How far beyond that could you watch Mr. Sharkie after he left?—I suppose I saw him about 100 yards.

10362. By the *Committee.*] I think you said that the Archbishop's pastoral was read in the chapel when you were present?—Yes.

10363. And it was about one o'clock in the day?—I think so.

10364. Do you know what time the post arrives from Dublin in that place?—It arrives at seven o'clock in the morning.

10365. Was this pastoral a written document, or a printed one; could you see that?—I think it was printed.

10366. You have told us that you nominated Mr. Moore at the election?—Yes.

10367. At whose request did you do that?—At Mr. Moore's own request.

10368. When did he ask you?—I think it was the day before; he drove up to my house; my place.

10369. Was he alone?—No.

10370. Who was with him?—Mr. Conway was with him.

10371. He drove up to your house near Ballinrobe?—Yes.

10372. And asked you to nominate him?—Yes.

10373. And Mr. Conway was with him?—He was in the phaeton with him; he left the room; Mr. Moore came into the drawing-room, and when he came in, Mr. Conway left the room and went into the dining-room, and there he remained while Mr. Moore was talking to me.

10374. He did not hear Mr. Moore ask you to nominate him?—No, he could not hear it.

10375. When did you first hear that the Archbishop was not able to nominate Mr. Moore?—On the morning of the nomination, about half an hour before the nomination took place.

10376. Then you did not know, at the time Mr. Moore spoke to you, that any intention was held by any one to ask Archbishop M'Hale to nominate him?—No, I do not know; at least, I do not recollect that I knew; I positively do not recollect.

[The Witness withdrew.

Colonel *Robert Wardlaw*, called in; sworn, and Examined by Mr. *Karslake*, as follows:

Col. *R. Wardlaw.*

10377. I BELIEVE you are Colonel of the First Royals?—I am.

10378. Now, were you, during the last election, sent down from Mayo to Castlebar?—I was sent down from Dublin to Castlebar.

10379. Do you remember on what day you reached Castlebar?—I reached Castlebar on the 30th.

10380. And what troops had you with you; what troops went with you?—I had six troops in the county of Mayo; two of them at Castlebar.

10381. And the rest dispersed?—The rest dispersed through the county.

10382. Did you take all your men to Castlebar in the first instance?—No; only the two troops.

10383. Did you remain at Castlebar during the nomination and polling?—Yes; during the nomination and during the polling.

10384. Now, in what state was Castlebar during the nomination and polling?—Pefectly quiet.

10385. Perfectly quiet?—Perfectly quiet; there was no disturbance.

10386. There

10386. There was some excitement, as there usually is at an election, I suppose?—There was certain excitement.

10387. But no disturbance?—No real disturbance.

10388. Now, then, did you, on the second day of the poll, receive intelligence that the polling had been suspended at Ballinrobe?—Yes; on the evening of the second day of the polling.

10389. What troops were there at first at Ballinrobe?—There were two companies of infantry and one troop of cavalry.

10390. At the request of the high sheriff, did you send a further reinforcement to Ballinrobe on the 7th?—I sent over one troop on the 7th, and the other troop early in the morning of the 8th.

10391. *Committee.*] Did you hear of the suspension of the poll officially, or did you hear of it merely by report?—It was reported by the high sheriff; it was reported to him, and through him to us.

10392. Mr. *Karslake.*] Now, did you yourself go over to Ballinrobe on the Wednesday morning?—Yes; early.

10393. What time did you reach the town?—About eight o'clock.

10394. In what state did you find the town on arriving there?—The town was quiet; there were some signs of excitement having taken place, but it was perfectly quiet when I arrived in it.

10395. Was there any appearance of violence throughout that day?—No; not the slightest.

10396. *Committee.*] This was on the Wednesday?—Yes; on Wednesday, the 8th.

10397. Mr. *Karslake.*] Did you see Mr. Arabin, the stipendiary magistrate?—Yes; the moment I arrived.

10398. Did Mr. Arabin request that the troops might be called out?—He requested that there might be a small party brought in the street, and the rest kept ready.

10399. Were there any there?—There were a party of about 16, and a company of infantry, drawn up when I arrived.

10400. Your dragoons were dismounted nearly the whole of Wednesday, were they not?—During the whole day, with the exception of when there were some escorts.

10401. Did you, on that day, send several escorts out to take voters?—Yes; three escorts, I think, to take out voters principally.

10402. Were you about the town the whole day, till the poll was closed?—Yes; I was there the whole of the day, till five o'clock in the evening.

10403. Now, do you remember Mr. Moore addressing the electors from Gillier's Hotel, after the close of the poll?—Yes; perfectly.

10404. Where were you at that time?—I was on my horse, opposite the window.

10405. Do you remember Mr. Sharkie passing?—Yes.

10406. Were you close to him at the time?—Oh, quite close.

10407. Now, be good enough to tell us what he did as he passed Gillier's Hotel?—He was on a car with the poll-books, and he had got an escort, some eight or ten men, that took him through a small crowd that there was in front of the window, and I saw nothing occur.

10408. Did you observe him do anything with the poll-books; did you observe him do anything as he passed Gillier's Hotel with the poll-books?—No, I have no recollection of seeing him do anything.

10409. Did you hear him say anything?—No.

10410. Did you see him pass through the crowd, and go away on his road?—Yes, I saw him go as far as the bottom of the hill.

10411. Was he stoned?—I saw none.

10412. You saw no stones?—I saw no stones.

10413. Now I will ask you if a shower of stones had been thrown, should you have seen them?—Yes; if there had been a shower of stones, certainly.

10414. Is it a narrow street there?—Quite narrow.

10415. Did the crowd fall back when the military came up?—There might have been a little, not yelling, but hissing; hooting.

10416. Nothing more?—Nothing more.

10417. I think you say that it is a narrow street at that point?—There is room for about two carts; there is room for not much more than two carts.

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10418. Now, did you see any sticks used at all before Mr. Sharkie?—No.

10419. You say that there were a small crowd of people there: about what number of people were listening to Mr. Moore at the time?—There were not 200.

10420. Did you hear Mr. Moore addressing them?—Yes.

10421. Mr. Moore was addressing them as the successful candidate, was he not?—He was.

10422. Have you attended elections both in England and Ireland before?—Oh, yes, I have been at several elections.

10423. Both in England and Ireland?—Yes.

10424. You have been to several in Ireland?—Yes.

10425. Now, did you see any unusual excitement at all at this election?—Not at the places I was at.

10426. I will take Castlebar throughout the election: at Ballinrobe, on the Wednesday, was there any excitement?—Very quiet.

10427. Tell me what you did with your troops on the Monday and Tuesday, at Castlebar; were they out all day?—They were out during part of the day on the Monday. The place was quite quiet. They were sent back to barracks. On the Tuesday they were out a short time in the evening.

10428. For what purpose?—For the purpose of keeping the streets clear; but there was no very great crowd.

10429. Patrolling?—Patrolling.

10430. And on the Tuesday?—They were not employed at all, except being ready to mount.

10431. They were not called out at all?—They were not called out.

10432. *Committee.*] I think you stated that you were not at Ballinrobe until Wednesday?—No, not until Wednesday.

10433. Did the officer in command of your troops report to you from day to day what had taken place?—No; it was Major Hume who reported to Colonel Sparks, at Castlebar, who was senior to me.

Cross-examined by Mr. *James.*

10434. That was Major Hume?—Yes.

10435. He is summoned here, is he not?—He is here, I believe.

10436. He is in attendance as you are?—Yes.

10437. Was he in command of Ballinrobe?—He was in command of the troops at Ballinrobe.

10438. And he is in the lobby here?—Yes.

10439. As a witness?—I suppose so.

10440. You were at Castlebar?—Yes; the two polling days.

10441. When did you get to Castlebar?—I got to Castlebar on the 30th, I think, Monday.

10442. Was there any application made to you from Ballinrobe for more troops; was there an application for some of your troops to go from Castlebar to Ballinrobe?—Not till the Tuesday evening.

10443. But on the Tuesday evening?—Yes.

10444. Through whom?—Through the high sheriff.

10445. An application was made for a reinforcement of your troops to those of Ballinrobe?—Yes.

10446. Did you send down a reinforcement?—I sent off a troop that evening.

10447. To Ballinrobe?—Yes.

10448. Did you know that the troops had been sent for to see if they could arrest Mr. Conway as having created this disturbance; was that part of the communication; as a portion of the instructions which came to you to send down a reinforcement to Ballinrobe, was it stated what the object was; was it stated that there was a desire on the part of the authorities to arrest Mr. Conway?—No; it was not stated in my instructions.

10449. What time did you go down on the Wednesday?—I went down on the Wednesday.

10450. But what time did you get to Ballinrobe on the Wednesday?—I got there a little before eight o'clock, as near as I remember.

10451. Had

10451. Had you sent the reinforcement on the requisition of the high sheriff on the Tuesday night?—Yes.

10452. What time would the troops get there in all probability?—I believe they arrived there between 11 and 12 at night.

10453. Now, had your attention been at all directed to a green placard, which Father Conway has issued?—I saw it there.

10454. And you say that people were about the town at that time, although no active excitement was going on?—There was no great number of people.

10455. And what occurred on the Sunday morning and Tuesday you do not know?—I know nothing.

10456. I suppose Major Hume would be able to tell us that chiefly?—Major Hume was in command.

10457. When you got there; do you know Mr. Tighe's house where Colonel Higgins was staying?—Yes.

10458. Did you observe a guard of police stationed opposite that house where Colonel Higgins was stopping?—Yes; I saw a great number of people there.

10459. You saw a great number of people drawn up there?—Standing about.

10460. I think you stated that some escorts were wanted; when was that?—I think one escort went out to bring in one or two men; and the other two escorts took out people.

10461. Were they not Colonel Higgins's voters that they took out?—Yes; I believe they were Colonel Higgins's voters.

10462. Were any escorts at all required to your knowledge for Mr. Moore's voters?—No.

10463. Then one escort, you say, was sent out on the Wednesday to bring in Colonel Higgins's voters; and two escorts afterwards to take home Colonel Higgins's voters?—Yes.

10464. Now do you know how far those two escorts took home Colonel Higgins's voters on the Wednesday?—I think the farthest would be about five miles.

10465. On their way home?—Yes.

10466. Was that required for the protection of the voters?—It was said so, and so expressed to me, by the stipendiary magistrate, and I acted upon it.

10467. One escort brought them in on the Wednesday?—Yes.

10468. And two took them home?—I think that was so, as far as I remember.

10469. Now, where did the escort bring them in from on the Wednesday?—I forget the name of the place.

10470. Was it some distance?—No; not a long distance; a short distance.

10471. Now about what time did the two escorts take home Colonel Higgins's voters, or proceed a portion of the way home with Colonel Higgins's voters?—Between two and three o'clock, I think, but I am not sure about that.

10472. Now, you say that you heard Mr. Moore speak; did you hear him begin his address by saying, "Where is Father Conway, boys; where is your priest"?—He might have said so; I am not sure that I remember that.

10473. Do you remember at all?—I remember he mentioned Father Conway's name in his speech.

10474. You say that you remember that he did mention Father Conway's name?—Yes.

10475. Was it during this speech that Mr. Sharkie came by the court-house from the poll?—Yes.

10476. Did you observe any threatening or any improper conduct of Mr. Sharkie with the poll-books?—Any improper conduct?

10477. Yes; did you observe anything; jeering Mr. Moore?—No, nothing at all.

10478. Were you at Gillier's Hotel; where were you when Mr. Sharkie passed?—I was standing opposite the window.

10479. You were standing opposite the window?—Yes, on horseback, at the corner of the street.

10480. You say you observed no stones thrown; had you seen Mr. Sharkie leave the court-house?—I saw him leave the court-house; I started him from the court-house with the escort.

10481. Did he require an escort, in your opinion, from the state of the mob; he having the poll-books?—That would be a very difficult question for me to answer.

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answer. If I had been taking the poll-books I should have required no escort; I do not think there were enough people to have made him fear.

10482. However, you gave him an escort?—Yes.

10483. Of how many men?—About eight men.

10484. About eight men?—An officer and eight men.

10485. Did they surround him?—No; he went through the crowd at once.

10486. With the military?—Yes.

10487. Do I understand you to say that you saw enough to be able to state that no stones at all were thrown at Mr. Sharkie during his progress?—There was certainly no shower of stones, but whether a stone was thrown in his progress or not I cannot say; if there had been a shower of stones I must have seen it.

10488. Did the mob follow him in his escort?—No.

10489. Where did he go?—He went straight out on the road to Castlebar.

10490. Now, after Mr. Moore had spoken, did you see Father Conway come up?—Yes; I saw him come back.

10491. How did he come back?—He came back on horseback.

10492. What did he do when he came up?—He got off his horse.

10493. He got off his horse?—Yes, and went into the hotel and up to the window.

10494. And he spoke, did he not?—Yes; he made a speech afterwards.

10495. Now, did you hear him in the course of that speech say where he had been since the Tuesday morning?—No.

10496. No?—No; I do not remember exactly what he said; he might have said so.

10497. But you did not hear him say where he had been since the Tuesday?—No.

10498. You did not hear him say that?—No.

10499. About what time on Tuesday did you get the requisition from the high sheriff to send re-inforcements to the commanding-officer; did you get it from Major Hume?—From Colonel Sparkes, commanding the 38th, at Castlebar.

10500. About what time did you get the requisition, at Castlebar, to send your troops to Ballinrobe?—Between six and seven o'clock; perhaps a very few minutes after six.

10501. Now, did you see anything of the high sheriff during the election?—Very often.

10502. Was he anxious as far as he could to preserve the peace of the county?—Oh, it seemed to be his object to preserve the peace of the county.

Re-examined by Mr. *Karslake.*

10503. Now, then, as regards the escorts do you furnish an escort upon the representation or request of a magistrate?—On the request of the high sheriff if he is there, or on the request of the principal magistrate who is there.

10504. Now, who made the request for the escort for Mr. Sharkie?—Mr. Arabin, always in writing; all these requisitions are made in writing; they are all kept.

10505. As far as Castlebar was concerned, and this place on the Wednesday, you say it was only the usual excitement of an election that prevailed there?—Yes.

10506. Now, having acted before both in England and in Ireland, have you found it always the practice to send escorts with voters on one side?—In Ireland especially.

10507. It is a common practice?—Yes, on one side or the other, the unpopular candidate.

10508. If a man happens to be unpopular in some place, and popular in others?—Yes.

10509. But at all events the practice is always to have escorts?—Yes.

10510. Now, when you saw Mr. Sharkie pass, you say that you observed no motion whatever?—I observed no motion whatever.

10511. Now, which side were you standing of him; were you standing on the side next the hotel, or farthest from him?—Farthest from him.

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10512. *Committee.*] During the whole time of the election, had you any complaint from any of the men of your regiment of injuries received by them?—No, I had none.

10513. None whatever?—None whatever. There was a helmet reported as having been broken by a stone, but there were no men hurt.

10514. Was that at Castlebar or at Ballinrobe?—Coming into Ballinrobe.

Lieutenant *John Graburn*, called in; sworn, and examined by Mr. *Karslake*, as follows:

Lieut. *J. Graburn.*

10515. YOU are an officer in the Royals, I believe?—Yes, I am.

10516. *Committee.*] What rank are you?—Lieutenant.

10517. Mr. *Karslake.*] Were you in the county of Mayo at the last election, for the purpose of the election?—Yes.

10518. Did you go on Saturday, the 4th March, from Castlebar to Claremorris?—Yes.

10519. Now, on the Sunday, were voters collected in Claremorris to go to Ballinrobe?—Yes.

10520. What time did this collection begin?—About ten o'clock, I think.

10521. Now, how long were they collecting the voters before you moved off?—I should think they were half an hour.

10522. But where were they collected; in the public streets of Claremorris?—Yes.

10523. They commenced collecting about ten o'clock in the morning?—Yes.

10524. Mr. Routledge was the deputy magistrate in attendance, was he not?—Yes, he was.

10525. Mr. Burke was also there with his voters, was he not?—I do not know Mr. Burke.

10526. Now about how many voters were there, or men on horseback, enjoying this meeting?—How many altogether?

10527. First of all, on horseback?—I should think 30; I did not count them.

10528. I think you had with you 15 dragoons and a sergeant?—No, 14 and a sergeant.

10529. Besides the men on horseback, were there men in cars?—Yes, a great many.

10530. Now after you had collected the men, or while you were collecting the men, do you recollect any cheering taking place?—Yes; I think the men on horseback cheered once or twice.

10531. Who did they cheer for?—Themselves, I think.

10532. Did they cheer for any candidate?—They did not specify.

10533. Upon their cheering, at the time they cheered, you made some remark, did you not?—I remember saying, "You are fools to make a row; you will get a crowd."

10534. Did they take your advice, or go on cheering?—I think they gave another cheer.

10535. To show that they valued your advice?—Yes.

10536. Well, now, what was the effect of that cheer?—I do not know what the effect of the cheer was, I am sure.

10537. Did you see afterwards a crowd collect?—A crowd collected.

10538. Do you know where it came from chiefly?—They collected out of the town.

10539. Were some stones thrown?—When we were leaving the town, there were.

10540. And one man was hurt, I believe?—Yes, there was one man hurt.

10541. Now, then, after that, did you go on to Ballinrobe?—Yes.

10542. Besides the men on horseback, did you pick up outside the town a good many voters on cars out of Claremorris?—I think they had all left Claremorris.

10543. They had gone on without the escort, and you then came on and picked them up?—Yes.

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10544. What number of cars or carriages did you have besides the men on horseback?—Oh, I do not know; I heard some say that there were about 100 voters altogether.

10545. A pretty large cavalcade, was it not?—Yes, a pretty long string.

10546. Before you got to Ballinrobe you halted, I believe, for a reinforcement?—Yes.

10547. Were you brought into the town by a bye-lane to M onaghan's Hotel?—Yes.

10548. Do you think that that was a wise course to adopt?—I did not know at the time; I never was in the place before.

10549. Knowing what you do of the place now, do you think that that was a wise course to adopt?—No.

10550. Was there a crowd at the end of the lane?—Yes.

10551. Was that crowd kept from coming into the lane by soldiers being sent down?—I placed five men at the end of the lane.

10552. And did that keep the crowd back?—Yes.

10553. It kept the crowd back?—It did, with the exception of a few men that had forced through before I came.

10554. Now, just at the time that you got to the back wall of Monaghan's Hotel, were some stones thrown over the wall, or from behind the wall?—Yes.

10555. Did you require a constabulary officer to clear the wall?—I spoke to one of the constabulary; I think it was an officer.

10556. And was the wall cleared?—The wall was cleared.

10557. Now, did you see Father Conway on the wall?—No.

10558. You did not observe him?—No.

10559. I suppose you did not know Father Conway by sight at that time?—Oh, no.

10560. Now, did you afterwards see a priest come into the town?—I saw him come in on horseback.

10561. And did he dismount, and go into Geldy's Hotel, or where did you see him?—No, I did not see him; I saw him when he was on horseback; he was on horseback all the time I saw him.

10562. Did you hear him make a complaint about Mr. Burke?—Yes, I did about a man; I did not know the name.

10563. You did not know?—No.

10564. What complaint did he make?—That he had some pistols in his possession, and that he pointed them at him.

10565. And did you see the pistols taken away?—Yes.

10566. Was that by Mr. Arabin, the stipendiary?—Yes.

10567. Now then, at that time, or about that time, did you hear Father Conway say anything to the crowd?—A short time after that he said, "Come away, boys, God bless you," or something of that sort.

10568. Father Conway said that to the people who were there?—Yes; "Don't hurt the soldiers or the police."

10569. What did the crowd do upon that?—They fell back a little.

10570. Were you in the town; were you in and about the town on the Monday?—Yes, I was, several times.

10571. It was market-day, we understand?—Yes.

10572. Were there a good many people in the town?—Yes, a great number.

10573. Did you see any violence committed by the persons who were in the town?—No.

10574. Did you see any stones thrown?—No, I never saw a stone thrown.

10575. Did you see any sticks used?—No, not with the exception of the Sunday that I speak of.

10576. But the Monday?—No.

10577. They made a good deal of noise, I believe, but there was no violence? No noise.

10578. Now, I do not know whether you have served at elections before in Ireland?—No.

10579. It would be only hearsay evidence that you could give about the state of them; now then, on the Tuesday, were you also in the town?—Yes, I was, part of the time.

10580. What do you say to the crowd on that day?—They were very noisy.

10581. Was

10581. Was there any violence that you observed?—No, I did not see any.

10582. On the Wednesday were you in the town?—Yes.

10583. Well, what state was it that day?—Much quieter

10584. The excitement had gone off considerably?—Yes, it was wearing off.

10585. Do you remember being outside Gilzer's Hotel after the poll was closed on the Wednesday?—At the corner hotel.

10586. That is the corner where Mr. Moore was speaking?—Yes.

10587. Were you with Colonel Wardlaw or alone?—I think I was standing with the Colonel.

10588. Did you see Mr. Sharkie come by with the books?—I saw a man on a car.

10589. With the dragoons?—Yes, with an escort.

10590. Was Mr. Moore at that time speaking?—Yes, I think he was.

10591. When you came up to where the people were, what did the people do; did the car go on?—Yes, they went through the crowd.

10592. Were you near him; near the car?—I was outside the crowd.

10593. Did you see stones thrown, or sticks, at Mr. Sharkie?—No.

10594. You did not?—No.

10595. Were you in a position which would have enabled you to see them if they had been thrown?—They might have been without my seeing them. I did not watch them all the time, but I think that I should have seen them if they had been.

10596. The street is very narrow there, is it not?—Yes, very narrow.

10597. Now, after Mr. Sharkie left, did Mr. Moore continue to address the people?—I went away.

Cross-examined by Mr. *James.*

10598. Where were you on the Monday morning, were you stationed at Claremorris, or did you go especially to escort these voters?—I was sent from Castlebar on Saturday night.

10599. To escort a quantity of Colonel Higgins's voters?—I suppose so.

10600. When you got to Claremorris, what time did you get there in the morning?—I got to Claremorris on Saturday night.

10601. And you remained there during the night with your troops?—Yes.

10602. You knew that they were Colonel Higgins's voters that you were to escort?—Yes.

10603. Now, in going out of the town, did several of the voters go on to the bridge beyond the town on horseback and wait until the escort arrived?—We picked them up.

10604. Did you find them at the bridge?—I found several.

10605. You found that several had gone on and you picked them up on the bridge?—Yes.

10606. Now, do you remember passing a chapel?—Whereabouts?

10607. In Claremorris?—No, I do not remember that.

10608. Do you remember a number of people following the voters from the direction of the chapel, when you say that a stone was thrown, when a man was injured?—I do not know.

10609. Was a man injured named Peter Commens?—I do not know his name.

10610. Was he on a large car?—He was on a car with ten or a dozen men.

10611. Were you in advance or in arrear?—No; I was in the rear.

10612. Now, you say that you picked up these voters, or overtook them outside the town of Claremorris, or near the bridge, several of them?—The men on horseback had gone on.

10613. Well, now, when you approached Ballinrobe, did any infantry come out and meet you?—Yes.

10614. How many?—I do not remember; I think 25 men; I will not be sure; but I think so.

10615. Who was the officer in command of them?—I do not remember his name; he was in the 38th.

 10616. And

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10616. And did they go back; how far did they meet you from the crowd?—About a mile out.

10617. Were there any police?—Yes; I think there was police.

10618. As well?—I think there were.

10619. They met you about a mile out?—Yes.

10620. When you say that you thought it was not wise to have entered the town in this way by this lane, what did you mean by that; did you mean in a military point of view?—Now that I know the position.

10621. Will you state why you considered that it was not wise to have entered the town in this way, now that you know the facts?—Because it was surrounded with high walls on each side, and if any mob had wished it they might have pelted us; in the main street there were no walls.

10622. But by entering by this back lane to get the voters to town, you avoided any excitement or collision coming into the main street?—I do not know that.

10623. Was there a large assemblage of people in the main street?—At the end of the main street.

10624. There was?—Yes.

10625. They came through the lane, there being an access to the back of Monaghan's Hotel, where Colonel Higgins's voters were put; that is so, is it not?—Yes.

10626. Now, in approaching that lane, were you in advance or in arrear?—I was in advance.

10627. As you went up the lane, could you see a large mob assembled in the main street of Ballinrobe?—Yes, there was a mob there.

10628. Was it not for the purpose of preventing interference with the mob that you very properly placed your men at the top of the lane where it debouches on to the main street?—Yes.

10629. It was to prevent the mob in the main street coming down the lane so as to interfere with the voters coming in under your escort?—Yes.

10630. Now, what number of people should you say you saw in that main street when you placed your men there to protect them, and get them into Monaghan's Hotel; there was a large mob, was there not?—Yes.

10631. How many?—Two or three hundred men.

10632. You saw some of them go through?—Yes.

10633. Before you had placed your men there?—Yes.

10634. In what direction were those men who got through to the main street? Where were they going? What seemed their object to you?—Coming down the lane.

10635. To meet the voters coming up the lane?—I fancy so.

10636. Now, did you observe interference by several men on horseback when you arrived there?—Yes.

10637. What did they try to do?—They tried to get through the soldiers.

10638. Did you observe that any of the men that were there took hold of the equestrian voters' horses' heads?—No.

10639. Were you in advance?—Yes.

10640. Might that have occured without your seeing it?—I think not.

10641. Now, how many voters were put into Monaghan's yard under this escort?—I do not know.

10642. Did they all get in?—I do not know; I saw some going in

10643. Was any escort left at the entrance to Monaghan's yard after they left?—I believe the infantry were left at the approach.

10644. To protect the men that had got in?—Yes.

10645. Now, when did Mr. Conway first appear to you? When did he first make his appearance, as far as you were concerned?—I think the first time I saw him was, when he rode up to that man who had the pistols.

10646. Mr. Burke?—I think so.

10647. But had you seen him at all before in that lane?—I do not remember.

10648. You do not remember that?—No.

10649. Then, are you enabled to say that he did not get on a wall, or only that you did not observe it?—I did not see him.

10650. You did not see him get on the wall?—I did not.

10651. Might

10651. Might he have got on the wall lower down the lane without your seeing him?—I had my back to the wall.

10652. In what direction did he go?—When I left with the escort he came part of the way on to barracks with me.

10653. Where did he go afterwards?—I do not know.

10654. Did he tell you what he went there on horseback at the time the voters were coming up the lane for?—No.

10655. Now, was his manner to you excited?—He was, while he was speaking to Mr. Burke.

10656. What did he say to Mr. Burke?—He said that he should bring an action against him.

10657. Now attend; you say that when he went away, he said, "God bless you, boys!" Did he also say this, "but do not kill a policeman or a soldier?"—"Do not hurt them," I think he said.

10658. "Do not hurt a policeman or a soldier?"—Yes; I think that is what he said.

10659. Now, did you see him again that day?—I do not think I did.

10660. You were not ordered on the Neale-road at all that evening; on the road to Cong?—I went to Cong; but I do not think it was that evening; I think it was the next day.

10661. Did you escort, or did the men under your command escort any voters in on Monday to the court-house?—I cannot swear the day, but I escorted them either the Monday or the Tuesday from Cong.

10662. Now, whose voters were they?—They were Colonel Higgins's voters.

10663. Did you escort any voters at all of Mr. Moore?—Not that I know of.

10664. Were they not Colonel Higgins's voters who required the military escort?—I believe they were.

10665. Have you any doubt about that?—I was told that they were Colonel Higgins's voters; I did not inquire.

10666. Did you escort any of Mr. Moore's voters?—I do not believe so.

10667. Were they escorted home again after they had polled on the Monday and Tuesday?—Some of them were escorted part of the way home.

10668. How far were they escorted on their way home?—I escorted some about three or four miles.

10669. Now, when Mr. Conway came up he was with the voters from Claremorris; Mr. Routledge was there, was he not?—Mr. Routledge was in the yard, or standing by the yard.

10670. Did you hear him abuse Mr. Routledge when he rode up?—No.

10671. Were you near enough to hear him speak to him?—No; I do not think he was.

Re-examined by Mr. *Karslake.*

10672. Now, you say that you escorted voters from Cong and also from other places during the election?—Merely Cong and Claremorris.

10673. Did you succeed in bringing in your voters?—Yes; a good many.

10674. Did you escort them out in safety?—I never saw anybody hurt.

10675. By whose order did you act in escorting the voters out; did you receive orders from the magistrate to do so?—We received orders from the magistrate.

10676. Personally?—I received them personally, from Colonel Wardlaw.

10677. Was that on the Wednesday?—Yes.

10678. Is that the only day on which you escorted voters out?—Yes; that was the only day.

10679. I think you said that the force you had at the end of this street consisted of five dragoons?—Five, and myself.

10680. Mounted, I suppose?—Yes.

10681. Now, was that sufficient to keep back the people that were in the street?—Oh, yes.

10682. Now, you say that there was a little interference, but that the soldiers prevented the people from breaking through your corps?—Yes.

10683. After Mr. Conway had been speaking about Mr. Burke's conduct, did he use an expression; did he make use of any expression about the soldiers?—I cannot swear; I think it was.

 10684. Were

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10684. Were there anybody but yourself and your soldiers there at the time; was he with you at the time that he made use of that expression, or near you?—The crowd were all about us.

10685. Then, he was addressing himself to the crowd?—Yes; I believe he was.

10686. And were the crowd pressing on the soldiers and police?—They were pressing upon me.

10687. Now, do you recollect the terms that he used; was it, "Do not hurt the police or the soldiers;" or, "Do not hurt a policeman or a soldier"?—I cannot swear which.

10688. That you cannot swear?—No.

10689. With the force which you had in coming into the town, had you sufficient to protect the voters if you had come down the main street; you came down the narrow lane, you know?—Yes.

10690. You say that you thought that that was an imprudent thing to do?—Yes; because we could not get over a six-foot wall.

10691. The houses on each side offered a very convenient place for pelting you with stones, if the mob had been so inclined?—Yes.

10692. *Committee.*] You had infantry with you, too, at that time?—Yes.

10693. Mr. *Karslake.*] You say that you saw the people, although your back was turned to the wall; you saw the voters getting into Monaghan's Hotel; did you wait until they all got in?—Yes; I believe all.

10694. Did you observe any particular difficulty in getting those voters into Monaghan's Hotel?—Yes, there was some little difficulty.

10695. Was there a large van or some car that stuck in the gateway?—Yes.

10696. That caused some little difficulty, I think, did it not?—Yes.

10697. Pray how long were you, do you think, at the end of this lane before you and Father Conway went off towards the barracks together?—I should think, half-an-hour.

10698. You say that Father Conway rode up towards the barracks with you; were you with your soldiers at that time?—Yes.

10699. Was he riding?—He was riding.

10700. You say that when he spoke about Mr. Moore he was excited; was that with reference to pistols having been presented to him?—I do not know; he was excited, but I do not know why.

10701. *Committee.*] When you said the difficulty that the voters had in getting into the yard, did you refer to the van that you spoke of, or to anything besides that?—That was one difficulty, of course.

10702. Was there any other difficulty in your mind at the time you made that observation; was there any other difficulty in addition to the van you have spoken of?—I think some men got hold of one of the horses' heads.

10703. Some men in the crowd?—Yes; some men that had broken through.

10704. How many broke through?—About six or seven, except those that got into the yard opposite; there were a good many there.

10705. You did not see any of the reins cut, or traces?—No; I was eight or ten yards off the yard door.

Mr. *Nicholas Welch* called in; sworn, and Examined by Mr. *Buchanan*, as follows:

Mr. *N. Welch.*

10706. WHERE do you live?—In Ballinrobe.

10707. Do you remember the 5th of April last?—I do.

10708. Were you in Ballinrobe that day?—I was.

10709. That would be Sunday?—Yes.

10710. Were you standing in the street at any time in the day near Monaghan's Hotel?—I was.

10711. Did you see any persons coming into the lane that runs by Monaghan's Hotel?—I saw Isidore Burke, his son, Mr. Treston, and a great number of voters, and a van with voters in it.

10712. You saw Mr. Treston on horseback?—Yes; Mr. Burke, his son, and Mr. Treston was on horseback.

10713. What

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10713. What are you?—I am clerk to Mr. Lambert, the treasurer of the county of Mayo.

10714. Do you farm any land yourself?—I do.

10715. Are you a voter for the county of Mayo?—I am.

10716. Did you vote at the last election?—I did.

10717. Who did you vote for?—I voted for Mr. Palmer and Mr. Moore.

10718. At the time that you saw those three gentlemen, were they at the head of the people?—They were.

10719. Were they talking, or what?—They came up; I got into the lane as far as the gate leading into the yard of Mr. Palmer's, and they came up immediately then to the yard of the hotel that was taken by Mr. Palmer.

10720. Geldy's Hotel?—Yes; I was inside the gate, I saw these people outside.

10721. Geldy's Hotel?—Between the two gates, the gate of Mrs. Monaghan's yard, which was taken by Mr. Higgins, and the gate of Geldy's Hotel, which was taken by Mr. Palmer.

10722. *Committee.*] Where were you?—I was inside the gate, just within about three yards of the stone that keeps the gate from dropping out.

10723. Mr. *Buchanan.*] This was the gate of Geldy's yard?—Yes.

10724. What occurred when they came up?—When they came up there was a rush of people came on towards the lane, something to about 20 or 30 persons.

10725. From the street?—Yes, part of them got in before me, and four or five of them threw stones at a window in Mrs. Monaghan's yard; it was at the window they were throwing the stones, and Messrs. Burke.

10726. Where were they at the time?—They were standing between the two gates, and a man of the name of Jennings, a big tall man, of the name of Jennings, came in, and he wanted to go down the lane, and Mr. Burke, junior, wanted to keep him back, and Jennings said he should pass on; Mr. Burke then put his horse at Jennings, to ride him down, and Jennings caught hold of Mr. Burke's horse by the reins and pushed him back, and after that Jennings got down.

10727. Did he let out the reins?—Mr. Burke had to let him pass.

10728. Now, were any stones thrown at Mr. Burke at that time?—Certainly not; if there were stones thrown at them they could strike them very easily, because they were within two or three yards of them, and sometimes so close as to just pass out of the door.

10729. What is the breadth of the lane?—About 18 feet.

10730. Did you see the voters when they came up between the two gates?—Yes.

10731. Did they fill the space?—Messrs. Burke and Treston filled the space with the voters, going into the yard; they filled the space with a portion of the voters; the rest of them were from that down in the lane.

10732. Was it at this time that you saw the stones thrown towards the windows?—It was.

10733. How many people do you think were in the lane at that time?—Well, I do not think there were more than about 20 or 30 persons going through that were not voters; the lane seemed to have been filled up pretty much with the voters.

10734. Did you see the Rev. Mr. Conway there?—He came up.

10735. From where did the Rev. Mr. Conway come up?—He came as if he came from the main street into the yard where I was.

10736. That is Mrs. Geldy's yard?—Yes.

10737. Did he speak to you?—He did.

10738. What did he say?—He requested me to do all I could to keep the parties from throwing stones, or committing any breach of the peace.

10739. What did you do?—I told him I would do what I could, and that I was after doing so, and then I spoke to several people, and they were quiet; I am positive as to that.

10740. Did the Rev. Mr. Conway address the people himself?—He did; he called to them to get him on the wall, and he was pushed up by the people on the wall.

10741. About what height was this wall?—Eight feet.

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10742. *Committee.*] Where was he then?—He was inside the gate in the yard.

10743. Mr. *Buchanan.*] Now about what height was that wall?—It is about eight feet.

10744. What description of wall is it; what is about the breadth of it at the top?—The breadth of it is something over two feet.

10745. On the top?—Not on the top; above it is coped; it comes to about six inches on the top.

10746. The wall gradually tapers from the bottom towards the top?—Yes; it tapers when it comes to about seven feet high to another foot, and there is about six inches on the top.

10747. There is a coping stone?—Yes.

10748. Did you see Mr. Conway put up on the wall?—I did.

10749. Did he stand on the wall, or kneel on the wall?—He knelt on the wall; I do not think he could stand; it was narrow.

10750. Did you see him take hold of the wall?—I did. I saw him get his knees upon that portion of the coping.

10751. Now when he was kneeling on the wall, how far were you from him?—Sometimes about six yards, and at other times about eight.

10752. Were you then inside the yard?—I was in the yard.

10753. Then I understand you to say, that Mr. Conway was facing towards the lane?—Yes.

10754. Did you hear him address the people then?—I did.

10755. Could you hear what he said?—I heard him say to the people outside to keep quiet and to keep the peace, and not to commit any act that would be the cause of having it injured. I heard that word injured. The actual words I may not be able to tell you, but that is the meaning of it.

10756. Tell us the purport?—That is the purport.

10757. Did he speak in Irish or in English?—It was in English that he said these words.

10758. Did you hear him speak in Irish?—I did not hear him speak Irish, I did not.

10759. Did you hear him when he was speaking from the wall, curse anybody?—I did not; I did not hear him speak Irish on the wall.

10760. Did you hear him in English curse anybody?—No, I did not.

10761. *Committee.*] Or in Irish?—Nor in Irish. I have no recollection of hearing him speak Irish at all on the wall.

10762. How far were you from him?—I was six yards from him; there was a great noise; there was cheering and groaning, and all that kind of thing.

10763. Had he his hat on, or not?—He had when he went on the wall.

10764. When he was speaking?—While I was listening to him speaking he had his hat on, in fact he could not maintain his position on the wall, and have his hat in his hand as he did. I think he would require to have both hands on the wall to keep him steady on it.

10765. Mr, *Buchanan.*] How many people were in Geldy's Hotel at that time?—I do not think there were more than 30 persons in it at that time; there were boys and some women in it.

10766. Was the gate open?—Yes, it was.

10767. Of Geldy's Hotel?—Yes.

10768. Between the lane and the yard there were about 30 people?—There were. I do not speak of the lane; I speak of the gate where it was, and the yard.

10769. You say that there was a good deal of noise?—There was.

10770. Did you see anybody in the lane struck with stones or cut?—I did not.

10771. Did you see anybody hurt?—No.

10772. Did you hear anybody complain of being hurt?—No.

10773. The voters?—No.

10774. *Committee.*] Did you go in the yard after this?—I remained there all through.

10775. Mr. *Buchanan.*] Did you go out of the yard into the lane?—I went as far as the gate only.

10776. Were you there at the time that the pistols were taken from Mr. Burke?—

Burke?—I was. I heard the pistols being taken from him, but I did not see them taken from him.

10777. Be good enough to state nothing but what you saw; could you, from the gate, see everything that took place from the lane when you were standing at Geldy's hotel; could you see everything that was occurring in the lane?—I could not. I could only see five or six yards in the lane, because there were vans and cars, and that kind of thing there.

10778. How far from the gate was Father Conway on the wall?—He was about 12 feet; he was midway between the gate and the slated house.

10779. Could you see that portion of the lane which was opposite Father Conway, where he was on the wall?—I could.

10780. That 12 feet?—I could; but I have no recollection of looking there to see anything occur.

10781. In fact, you did not see anything that attracted your attention?—No.

10782. Well, now, this was Sunday?—Yes.

10783. What was the state of the town that day?—There was speeching, and cheering and groaning, and all that kind of thing.

10784. Did you see any violence?—I saw no stone thrown, or a blow of a stick given, or anything of that kind.

10785. You saw no violence committed?—No.

10786. Was there any platform on the other side in Geldy's yard; how did Mr. Conway get on the wall?—It was first proposed to take one of the cars, and to get him on the car, and then on the wall; and then three or four persons just took him, and put him on the wall; on the top of the wall, and then he got on a car at the foot of the wall inside this. I think there was one, and they got him up quicker by putting him up that way; there were three or four cars inside the yard.

10787. Was there anything inside the wall, by which people could reach the top of it?—There were other parties stood on the cars.

10788. That would enable them to look over the wall?—Yes; three, or four, or five persons got on the wall as well as him.

10789. How many people got on the wall?—About five or six persons, I think.

10790. They got up by means of the cars, you say?—Yes, and climbed up too; they pushed one another up.

10791. *Committee.*] Were you inside at that time?—I was inside the yard when they got up.

10792. Mr. *Buchanan.*] You saw them get up?—I did.

10793. Well, now, that evening, what was the state of the town?—Except as I told you, the people were very quiet.

10794. Were you in Ballinrobe on the Monday?—I was.

10795. Monday is the market-day, is it not?—Yes.

10796. Is there a large market there?—A very large market; it is a market day, and there was a particularly large number of people there that day.

10797. Was the market very full that day?—Yes.

10798. Was there much excitement in the town; cheering?—Yes; cheering and that kind of excitement, much.

10799. Was anybody hurt?—No.

10800. That you saw?—No.

10801. Were there any stones thrown?—No.

10802. Was anybody struck with sticks?—No.

10803. Were you through the streets yourself?—I was through the streets and in the court-house.

10804. Now, have you been at other elections?—I have.

10805. How many elections do you remember back?—I remember elections since 1832.

10806. Have you seen military at these elections?—I have.

10807. In the streets?—In the streets.

10808. Now, compared with the contested elections which you remember, comparing them with this, was this a quieter election or otherwise, than any of them?—It was by far quieter.

10809. A far quieter election?—It was. It was the quietest election I had seen as far as Ballinrobe was concerned.

10810. Now, on the Tuesday were you in the town?—I was.

10811. What was the state of the town on the Tuesday?—Much the same.

10812. Shouting?

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10812. Shouting?—The very same.

10813. And cheering?—Yes.

10814. Did you see anybody struck?—No.

10815. Or any violence?—No, indeed.

10816. Were the soldiers in the streets?—There were soldiers in the streets; in fact it would be impossible to commit violence if persons were disposed to do so, because the soldiers had the whole street taken up, from the court-house near to the hotel where the voters were; they were constantly on the march up and down; the dragoons and the foot.

10817. The soldiers were up and down?—Yes; they cleared the streets several times.

10818. Did you see them clear the streets?—I did.

10819. Was Mr. Kenney in command at that time?—He was.

10820. Now, come to Wednesday; what was the state of the town on Wednesday?—The town was very quiet; there was no cheering or shouting on the Wednesday that I could remark.

10821. Did you see Colonel Higgins on the Wednesday?—I did.

10822. Did you see him leave the town?—I did.

10823. How did he travel?—In a four-wheeled phaeton; he was accompanied by Mr. Routledge.

10824. The sub-sheriff?—Yes.

10825. Was any injury attempted, or violence offered to him?—No, indeed.

10826. None?—There was not as far as I saw.

10827. Where were you standing?—At the hotel of Mr. Gillier, and Mr. Higgins passed up, and Mr. Routledge. I did not see anything done, nor was there a blow, or a shout given of any kind.

10828. Now, do you remember later in the day Mr. Sharkie passing by Gillier's hotel?—Yes.

10829. How was he going?—He was going in a car.

10830. At that time did you see Mr. Moore?—I did.

10831. Where was he?—He was in Gillier's hotel, at the window.

10832. Was he speaking?—He was.

10833. Were there many people listening to him?—There were a good many persons outside.

10834. At that time?—Yes.

10835. Well, now, did you see Mr. Sharkie ride out?—I did.

10836. Had he an escort?—He had.

10837. When he came up, was there way made for him, or was there difficulty?—The crowd was in the way until a person of the name of Duffy, in Ballinrobe, called upon the parties to make way, and let him pass; and so they did pass on, the dragoons and Mr. Sharkie.

10838. At the time he passed the window, at the time he passed under the window of Gillier's hotel, did you observe that anything was in his hand?—I did.

10839. What was it?—A book.

10840. Did he do anything with it?—He did. Mr. Moore was speaking, and I saw him tap the book three or four times.

10841. Did he hold it down or up?—He held it up in that way (*describing*); and he tapped the book to Mr. Moore, who was in the window.

10842. Did you hear him say anything when he tapped the book?—I was standing at one side of Mr. Moore, in the window; and I certainly heard him say nothing. I do not think he could be heard from where he was.

10843. Is the street narrow at this place?— It is about 20 feet, exclusive of the pathways.

10844. If he had said anything at the time, could you have heard it?—Yes; I was looking at him, and I was near Mr. Moore.

10845. Was there a great shower of stones thrown at him?—No stones.

10846. No stones?—Not one.

10847. Did you see any sticks flourished at him?—No, none in the world, but the people let him pass.

10848. Did the people make way for him?—Yes.

10849. And allow him to pass?—Yes. Duffy was the party that made the way.

10850. If he swear that there was a shower of stones thrown at him, would he be swearing correctly?—He would not; the dragoons were this side of the car, and in front of the horse; there was a man of the name of Duffy, and three or four other parties, and they made way, and let him pass.

10851. Was he even hooted as he passed?—No; there was not a ha'p'orth then; they let him pass quietly.

Cross-examined by Mr. *James*.

10852. You never saw anything so perfectly quiet and tranquil as the whole affair?—Well, it was tranquil, as far as I saw.

10853. Now, who is Duffy?—He is a saddler in Ballinrobe.

10854. Is he one of Mr. Conway's party?—I do not know.

10855. But he was one of Mr. Moore's?—He voted for Moore and Palmer.

10856. Did he not take an active part?—I am not aware; I saw him taken and put into gaol by Mr. Sharkie, without saying a word at all.

10857. What was he doing that caused him to be put into gaol?—He was standing in the side box; and a person in the side box spoke, a countryman; and Mr. Sharkie told him that he should not speak in court; and Mr. Duffy then replied, that the man had done nothing; and Mr. Sharkie said, "Take that man, Duffy, and put him into gaol; and take care to have a good escort along with you."

10858. That was during the poll?—Yes.

10859. What had he been doing there?—I am not sure whether he had polled or not.

10860. Now, have you been employed to collect for the Conway fund?—Well, I was one of the parties at the door to collect on Sunday.

10861. For what fund were you collecting on Sunday?—For Mr. Moore's fund.

10862. Have you not collected for the Conway fund, too?—No; I collected for Mr. Moore, but I collected none for Mr. Conway; I gave him none.

10863. Why did you collect it?—Whenever collection are called I collect.

10864. Where?—At Mr. Hardmain's chapel.

10865. Who did you give the money to that you collected?—It is still in the possession of Mr. Pat Monaghan.

10866. Who was it given to?—At the door. I paid my own subscription as well as any one else.

10867. How much have you subscribed?—A pound.

10868. Who did you give the money to that you collected?—Mr. Monaghan holds it. I gave it to the parties collecting at the door.

10869. Who were they?—Mr. Monaghan, Mr. Herne, and Mr. Stanners.

10870. Duffy?—No.

10871. Jennings?—No.

10872. Has not Jennings collected?—No.

10873. Not in your presence?—Not in my presence; nor do I think that he collected at all; he did not even subscribe.

10874. How much did you subscribe at the door?—When the collection is all made I believe it will be about 25 *l.*

10875. Now, were you at this chapel on Sunday the 5th, before you went down the lane?—I was in the chapel.

10876. Did you hear him make a speech from the altar?—I heard him read the bishop's pastoral, I think, they term it.

10877. You see you do not answer my question; did you hear him, after he read the pastoral, make a speech?—Well, I have not the keenest recollection with regard to what he said.

10878. I did not imagine that you had; did you hear him make a speech from the altar?—I did not, but I heard him make use of words, according as he was going on reading the pastoral; as he read it on he passed remarks with regard to it.

10879. Did you hear him, after he had done reading the pastoral, make a speech, or speak?—I think he spoke about the palm; about the distribution of the palm, and all that kind of thing.

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10880. Palm or Palmer?—I think it was that.

10881. You think he spoke about the distribution of palm?—Yes, Palm Sunday; on the gospel of the day.

10882. Did you hear him say anything about the election?—Yes, while he was reading the pastoral.

10883. What did he say about the election?—I know that he complained loudly of Mr. Higgins's conduct, as a Member of Parliament; he said that, I think he said, he sold his country; I can't recollect anything else; he was very severe in his remarks with regard to him, as far as politics were concerned.

10884. Did he say that he had "sold his country, his body, and his soul"?—Yes.

10885. "And yet he has now the presumption to come and ask you for your support"?—Well, I think he used them words, but I am not quite sure; I think he did.

10886. Did he say "The curse of God will follow every man who gives it him." That is every man who gave him his support?—No.

10887. Did he mention the "curse of God"?—I think that that was introduced with regard to voters that were kept from going to the chapel on Sunday; he said the curse of God would follow those who would prevent those from attending chapel, and he went into Mrs. Monaghan's to get them out of it, and he could not.

10888. At what time was this?—After mass.

10889. Now, had the voters come into the town before three o'clock; I ask you if the voters had come into the town before three o'clock?—I know that they were in at ten, for I saw Mr. Griffin go into Monaghan's hotel, and Mr. Kenney.

10890. What voters?—Eight or ten voters; I think I was conversing with Mr. Griffin at the time.

10891. You say that "the curse of God" had reference to these voters?—I think so.

10892. Will you swear that?—I think so.

10893. Did you hear him say this, "You have a perfectly legal right to show your disapprobation of his conduct by shouting and hooting after every one who comes to support him"?—I did not hear those words.

10894. "But take care; do not molest or maltreat any of the soldiers or police"?—No.

10895. Not a word of that?—He may have said those words; I cannot recollect all he said.

10896. How long did he speak?—For about 20 minutes.

10897. He is a gentleman who could say a good deal in that time, is he not?—He is a gentleman who has got the gift of the tongue, certainly.

10898. Did he speak about his going to Geldy's hotel, and ask his congregation to meet him there?—He said there would be a meeting held in the town immediately after mass, and that——

10899. And that he should be there?—No, he did not say he should be at it, but he called their attention to it.

10900. Did he not say, "I shall be amongst you"?—No, but he said Mr. Marchant would take the chair, Mr. Jeffery Marchant.

10901. Now, about how many people were at mass on that Sunday?—The congregation is pretty large.

10902. You know, because you collected, you know?—I think more than 1,000 persons.

10903. More than 1,000 persons?—From 500 to 1,000.

10904. Did you follow from Geldy's hotel to the chapel?—I was in the street.

10905. Did you go direct from the chapel to the front of the hotel?—No, not immediately; I stood somewhere about Kelly's, opposite Mr. Tighe's.

10906. There you found Father Conway at the window, did you not?—I saw him in the window.

10907. How soon was that after you left the chapel?—I think it was about an hour.

10908. About an hour after?—Yes.

10909. Had

10909. Had Mr. Conway gone home, or did he go direct from the chapel to Geldy's hotel?—I think he went home.

10910. And you came to the hotel?—Yes.

10911. Well now, you saw the men coming up the lane; did you see the military first coming up?—The military and the gentlemen that were mounted, that I mentioned seemed to be together.

10912. Did you get through the military, the men, the soldiers who were put at the top of the lane?—I arrived at the gate sooner than they came down towards the gate of the hotel.

10913. What did you come for?—Seeing the number of persons coming, to look on.

10914. Did you not know that these people were Colonel Higgins's voters?—I was anxious to see them come in.

10915. You had heard that they were coming in?—I was anxious to have a look at them.

10916. You were anxious to have a look at them?—Yes.

10917. You had heard Father Conway at the chapel, and his address at the hotel?—Yes.

10918. Who first told you of the soldiers coming up?—It was previous to the address at Geldy's hotel; it was after the address at Geldy's hotel they came up the lane.

10919. Did you hear his address at Geldy's?—I was not there when he was speaking; I was at Kelly's house, between that and Mr. Tighe's door.

10920. Did you observe Colonel Higgins's voters coming up?—I did afterwards.

10921. You went down the lane to meet them, just to have a look at them?—Yes; I was curious, seeing the people there.

10922. Now, was there a large mob in the main street?—Yes, there was; but there was no great number of people in the lane; they seemed to be down the far end of the town.

10923. Was there a large mob in the town?—It was not a large mob.

10924. How many people were there?—There were a couple of hundred persons down the other end of the town, at the court-house, but when they came down at the time there were not more than 30.

10925. How many people was he speaking to?—Four or five hundred persons, but that was previous to the military coming in.

10926. How many was he speaking to previous to the military coming in?—I think about 400 or 500 persons.

10927. Now, tell us how many of you went to have a look at the voters coming in?—I went because it was in the direction of my own house.

10928. Were you going to have a look at the voters, or do you swear that you were going home?—I was going to have a look at the voters.

10929. To see what they were like, I suppose?—Yes.

10930. Now, did you know that they were Colonel Higgins's voters?—I did not hear whose voters they were until I came up, because there were other voters Mr. Moore expected in, and in fact we did not know whose voters they were till they came to the lane. I did not know who they were till I saw Isidore Burke.

10931. I suppose you did not know whose voters they were till you saw Isidore Burke?—Indeed it is a sign.

10932. How soon after this did you see Father Conway on the wall?—Well, they were in, I think they were in for about 30 minutes. Mrs. Monaghan's gate was closed, and the delay of the gate kept them for about, I think they were full 20 minutes before they began to get into the yard.

10933. Was it during the time they were getting into the yard that you saw Father Conway on the wall?—They were in the lane for about 10 or 15 minutes when Father Conway came.

10934. You say that they put him on the wall?—Yes.

10935. Is this a wall?—It is a wall.

10936. I do not understand its position; is it angular at the top; is it an angular wall?—No, I took a sketch of it, and I have it here, and I will hand it to you (*producing the same*).

10937. Is this it?—Yes.

10938. Which is the wall; this is the wall?—It is.

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10939. And here are Colonel Higgins's voters?—Yes.

10940. The wall is on this side?—Yes, below the gate.

10941. I do not understand Mr. Conway's position on the wall. I do not understand whether he sat on the wall; was he on the wall in a quadrupedal fashion like a cat, or was he on his knees?—He held on the top.

10942. In the most comfortable position, with his head on the top?—In the most comfortable way.

10943. Were there any more on the top with him?—There were several parties on.

10944. Who?—There were five or six people on the wall.

10945. Who went with him?—Some of them before he came.

10946. Were they not the men whom he had been addressing in the street, in front of Geldy's hotel?—Some of them were not.

10947. Were there not some who were?—I know that Duffy was on the wall, and he was not in the street.

10948. Had Duffy got a stick in his hand?—No.

10949. That you will swear?—I am positive; I saw no stick with him.

10950. Will you swear that?—I think he had not.

10951. Will you swear that?—I do; I did not see a stick.

10952. What was he doing on the wall?—Well, I believe he went to have a look at the voters.

10953. Was he near Mr. Conway?—He was nearer to the gate.

10954. How near was he to the priest on the wall?—I think there were one or two between him and Mr. Conway.

10955. Will you swear that Mr. Conway did not address the people in Irish?—I did not hear him; he might have done so; indeed I can't say.

10956. Might he have addressed the people in Irish without your having been near enough to hear him?—It was difficult to hear him, from the cheering and groaning.

10957. You will not swear that he did not address the people in Irish?—I believe he did not.

10958. Now attend; were you there when Father Conway came up?—I was; he spoke to me when he came up.

10959. Now, have you seen Mr. Conway since he has been in London?—I saw him opposite the House of Commons here.

10960. Where is he stopping?—I do not know.

10961. Have you not been to him in London?—No.

10962. Have you been in any house with him since you have been in London?—I was in Mr. Martin's; he was in it when I came to London.

10963. Where?—I had no conversation with him.

10964. I did not ask you that?—I thought it was that you were coming at, sir.

10965. Where was it you were with him at Mr. Martin's; at what house?—Mr. Martin's, the agent.

10966. When were you with him last?—I was not with him, but he was in the room.

10967. Did you give your evidence while he was there?—No.

10968. What! did you meet there?—We met there.

10969. What was he in the same room with you for?—He did not speak to me on any matter connected with this petition.

10970. What were you doing there?—I was waiting for Mr. Martin.

10971. Was it the time you had your evidence taken down?—Yes.

10972. How long ago is that?—Well, yesterday.

10973. You cannot forget that?—But I thought I would be quite clear about it.

10974. What time were you there yesterday, at Mr. Martin's office?—I was in it two or three times.

10975. Did you give your evidence yesterday; when did you come from Ireland?—No; I gave my evidence on, I think it was, Monday evening.

10976. When did you come from Ireland?—I came on Monday, at 12 o'clock.

10977. You were at Mr. Martin's yesterday, and Mr. Conway was there?—I only saw him pass.

10978. Was

10978. Was he in the same room with you?—No, he was not; he was immediately at the door.

10979. Was he in Mr. Martin's room?—No; I did not see him there.

10980. Where did you see him?—Outside the flagway, and at the door of Mr. Martin's; just at the door; he passed away before I left.

10981. Were you at chapel on the following Sunday, when the petition was read; were you at the chapel when Colonel Higgins's petition was read out; you can tell us that, as you were collecting for the Moore indemnity fund?—I do not recollect what Sunday.

10982. Any Sunday since this petition has been presented; was it not read out the very Sunday that you collected for the Moore indemnity fund?—With respect to first mass, I generally go to first mass; I have no recollection of its being read.

10983. And did you not hear it read by Mr. Conway?—No.

10984. Nor by any priest?—No.

10985. Not the day that you collected for the Moore indemnity fund?—No, it was not.

10986. When was it that you made this collection?—I think it was last Sunday week; it was last Sunday week.

10987. Did you see Father Conway after he had ridden up; did you start in the Neale road, in the direction of Cong?—I did not.

10988. When did you last see him that Sunday?—The last place was seeing him speak out of the window.

10989. But you saw him after that on the wall?—Yes; in the lane.

10990. Did you see him that Sunday, after you saw him on the wall?—No, not after this.

10991. When did you see him next?—The next day, I think.

10992. You did not see him until the next day?—No.

Re-examined by Mr. *Buchanan.*

10993. Now, just one word as to the make of this wall. Look at those two drawings (*handing a paper to the Witness*)?—This is the one that represents the state of the wall.

10994. You have stated that the wall went up for a certain distance, and that then it goes off at an angle?—Yes.

10995. And at the top of that angle is the coping stone?—It is rather loose.

10996. Then when Mr. Conway was raised up, he put his knees on this sloping part?—He put his knees about the centre, below the pen, and laid his hands on the top of the wall.

10997. To hold himself on?—That is it.

10998. Now, you say that when Mr. Conway was speaking, there were four or five hundred people in the street?—Yes.

10999. From Geldy's window?—Yes.

11000. And this was before Mr. Burke's voters came in?—Yes.

11001. Now, did those people that he was addressing go away before the voters came in?—A great portion of them did.

11002. Before they came in?—They did.

11003. When the voters were in the lane, you saw that Mrs. Monaghan's gate was closed?—Yes, when they came up.

11004. And remained closed nearly 20 minutes?—Yes.

11005. Had the gate been opened inside could the voters have gone in?—Yes; and I think there would not have been so much noise or shouting if the gate was opened for them when they came up.

11006. Now, you have been asked whether you had seen the Rev. Mr. Conway at Mr. Martin's office; you say that you saw him at the door?—That is all.

11007. Did you make any observation to him when you saw him?—Certainly not, except that when he saw me he shook hands with me, as being from Ballinrobe.

11008. Did you say anything to him about his not speaking to you about this petition?—I did.

11009. What did you say to him?—I said, "I cannot converse with you till such time as my evidence is given before the Committee."

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11010. *Committee.*] I understood you to say that you were in the room with Father Conway, and at Mr. Martin's, the agent?—I was at the room door; there is a hall-way going in.

11011. I understood you to say that you were in the room yourself?—I was not in the room; I was just about the door of the room. There is a passage way. He shook hands with me; and I told him that I could not talk to him until such time as my evidence would be given here.

11012. Mr. *Buchanan.*] Be good enough to tell the Committee whether you do not occupy a place of considerable trust, and whether you are not entrusted with considerable sums of money?—I am. I am the person who does the business for the treasurer of the county of Mayo; and I receive rents for Colonel Knox and other parties.

11013. Do you hold the treasurer's cheques to a large amount?—I do sometimes, up to, sometimes, 20,000 *l.*; I have often held up to 60,000 *l.* in money and otherwise.

11014. These cheques are signed by the treasurer, and could be given away?—They could.

11015. And they are payable at the Bank?—Yes.

11016. Mr. *James.*] Mostly crossed, I suppose?—Well, I think Mr. Griffin himself will admit my position.

Mr. *James Fleming*, called in, sworn, and Examined by Mr. *Buchanan*, as follows:

Mr. *J. Fleming.*

11017. WHERE do you live?—In Ballinrobe.

11018. What is your occupation?—Flour miller.

11019. You are a native of the county of Mayo, I believe?—No, I am a native of Queen's County; I have lived in Ballinrobe the last three years and a half.

11020. Do you remember Sunday, the 5th of April?—I do.

11021. Were you at mass on that Sunday in Ballinrobe?—I was.

11022. Did you hear Mr. Conway speak after mass?—I did.

11023. Can you recollect what he said; had he any document in his hand?—Yes; I knew him to read the Bishop's pastoral that day.

11024. As he read the pastoral, did he make any observations?—He read the pastoral, showing some parties that, he understood, was going before that to vote for a Protestant, and he showed them how they could, and should vote for a Protestant, by reading the pastoral.

11025. Did you hear him mention Colonel Higgins's name?—No, I did not.

11026. Did you hear him, on that occasion, say this: "But as to Higgins, he s a most consummate scoundrel"?—I did not.

11027. Did he say that?—I did not hear him say it.

11028. Where were you in the chapel?—I was in the next gallery to the altar.

11029. Sufficiently near to Mr. Conway to hear what he was saying?—I was.

11030. Were you paying attention to what he was saying?—I was.

11031. Am I correct in saying that what he said you could hear distinctly?—I know I did not hear him name; I did not hear any names mentioned; if he mentioned them, he mentioned them unknown to me.

11032. You did not hear him say, "As to Higgins, he is a most consummate scoundrel"?—No.

11033. Did you hear him say this: "He has sold his body and soul"?—No.

11034. Did you hear him say this: "He has deceived you on every point; every promise made to you at the last election he has broken;" did you hear him say anything like that?—I heard him say something like that, but I heard him mention no names.

11035. Did you hear him say this: "He has sold his country, his body, and his soul; yet he has now the presumption to come and ask you for your support;" did you hear him say that?—I do not remember that I did.

11036. Did he say this: "But, believe me, the curse of God will follow every man who gives it to him;" did you hear that?—I did not.

11037. Did you understand who he was alluding to, although he did not mention the names?—I did.

11038. Did he say this, "You have a perfectly legal right to show your disapprobation

approbation of his conduct by shouting and hooting after every one who comes to support him"?—I did, I heard them words said.

11039. Did he say, "But take care, do not molest or maltreat any of the soldiers or police"?—He did.

11040. Now did Father Conway give the people any advice upon that occasion?—No, no more than you are saying; he told them that they should not put themselves in the power of the law by shouting; he told them that they would not put themselves in the power of the law by shouting, or showing respect for one party more than another; something to that effect, though not perhaps those precise words.

11041. Now after mass, do you remember being in the street about three o'clock?—Yes.

11042. The main street?—Yes.

11043. Was that near Monaghan's hotel?—Yes.

11044. Did you see a crowd in the lane, of freeholders coming in?—Going up the street I saw a crowd coming in; I walked up to see what it was; I went up and saw a crowd there, and I asked what was going on there, and they told me that there was freeholders coming in. I asked whose freeholders it was, and they said it was Colonel Higgins's; immediately after, horse and foot soldiers came, and the gathering was getting out of their way, and so was I, and I ran into the lane. I did not suppose the cavalry or infantry was going to go in there, and they closed the gateway across, and I had to stop inside; I could not get either in or out.

11045. They closed the passage?—Yes, I could not get in or out, and so I was between them.

11046. By a line of soldiers?—Yes; dragoons.

11047. You were inside?—Yes, and I could not get out or in.

11048. Were you near Monaghan's gate or Mrs. Geldy's gate?—Yes.

11049. At which of the gates?—At Mrs. Monaghan's gate; I protected myself there for fear the cavalry might walk over me.

11050. Now at that time did you see Mr. Conway on the wall on the other side?—I did.

11051. What was he doing on the wall, was he sitting or standing, or kneeling on the wall?—He was between kneeling and lying; he had his hands on the wall, and his knees were on the wall too.

11052. His hands were on the wall, and he was between kneeling and lying?—Yes.

11053. Is that about the shape of the wall (*showing a Paper to the Witness*)?—Yes, something like that; that is the inside.

11054. Was it on that spot that Mr. Conway was kneeling?—Yes, partly on that.

11055. On the slanting part?—Yes; the slanting part is inside.

11056. And holding on the top?—Yes,

11057. Did you hear him say anything to the people while he was on the wall; first of all, was he speaking in English?—Yes, he was; I could not know what he was saying in Irish; I do not understand it or speak it.

11058. What did you hear him say?—The people were shouting; he said any one who would violate the law they would be his enemies, not his friends, and he begged of them for God's sake, and other names he mentioned, to be quiet, and not to put themselves in the power of the law.

11059. *Committee.*] All this was in English?—Yes.

11060. Mr. *Buchanan.*] Now at that time where were the freeholders?—The freeholders were just under him at that time; some of them were on cars and coaches.

11061. You were at Monaghan's gate?—Yes.

11062. And he was opposite you?—Yes.

11063. You could hear what he said distinctly?—Yes, I could distinctly hear; the lane is very narrow.

11064. It is a narrow lane?—A very narrow lane.

11065. Do you know Mr. Isidore Burke?—He was pointed out to me.

11066. Did you see a young gentleman?—His son.

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11067. He was pointed out?—Yes; I saw him come up to Father Peter with a pistol in his hand; I cannot say whether it was loaded or not, but I can swear that it was capped, and he said that he would either give him the contents, or drive the contents through him.

11068. Where was Mr. Conway at that time?—He was down the lane.

11069. Was he arguing with him?—No, he was talking to some other people at that time.

11070. Did you see an officer there at that time?—What officer?

11071. The officer of dragoons?—I did.

11072. Was he there at the time this argument was going on?—He might or might not.

11073. But do you know that?—I do not.

11074. Were you there when Mr. Arabin took the pistol from him?—I was; Father Peter said he would lodge an information against him for presenting pistols.

11075. Was that at the time of this conversation?—Yes; Mr. Arabin came up and took one pistol from him; some person came up and said he had another, that he thought he had another; he had a satchel, or something, slung round his neck, and Mr. Arabin took them both from him; he said, "I hope you are satisfied with those in my possession; you are safe with them in my possession."

11076. You saw the freeholders come up to the gate?—I did.

11077. Was Monaghan's gate closed at this time?—No; there were some of their cars in, and some of the freeholders in, and more of them outside.

11078. At the time you came?—Oh yes, there was, in and out.

11079. At the time you came, was the gate of Monaghan's hotel open?—Yes.

11080. Monaghan's yard?—Yes.

11081. Then I understand you to say, that at the time you came into the lane Monaghan's gate was open?—It was.

11082. And the cars were going in?—Yes; there was a great number of them in the lane too at the time; there was a few of them in, very few of them in; the greater part of them were outside; they were all down the lane.

11083. Down below?—Yes.

11084. Did it take some time to get into the yard?—It did; I did not see them all in.

11085. Until you went away?—No.

11086. Were you in the street after that, during the day?—I was occasionally.

11087. What was the state of the town then?—I did not see any more than shouting.

11088. Shouting?—Yes.

11089. Did you see any violence?—I did not see any violence.

11090. No stones thrown?—No.

11091. *Committee.*] Were you still in the lane?—No; I was about the street; I was in the street some time, but not the whole time; I went away home; it was market then.

11092. Mr. *Buchanan.*] Now, on the Wednesday, were you at Gillier's hotel when Mr. Sharkie, the deputy sheriff, was going in?—I was.

11093. Did you see him on a car?—I did.

11094. Where were you at the time?—I was listening to Mr. Moore addressing the public.

11095. When he came up were there many people outside?—Yes; and they opened the way to let him pass; the escort and himself.

11096. The dragoons?—Yes.

11097. Had he anything in his hand?—He had a book.

11098. He had a book?—Yes; I suppose it was the poll-book.

11099. Did you see him do anything with it?—Yes; I saw him look up to Mr. Moore at the window, and do that (*shaking his hand*), and shake his head, as I thought, with contempt.

11100. Was it civilly or otherwise?—No; uncivilly, I think.

11101. Did you hear Mr. Sharkie say anything then?—No, I did not.

11102. How far were you from Mr. Sharkie at that time?—I could touch the car nearly.

11103. You

11103. You could touch the car almost?—Yes; I was standing when he passed by, I was on the tow path.

11104. Then he was on your side of the car?—Yes; face to face.

11105. If he had said anything you could have heard it?—He might have said so.

11106. If he had said anything you might have heard it?—Yes, except he spoke very low.

11107. Now, was there a volley of stones thrown at him as he passed by?—No; there was not a stone thrown.

11108. Was there any attempt to strike him with a stick, or were there and sticks flourished?—No.

11109. The people opened the way for him?—Yes.

11110. Were there any stones thrown down the street after him?—I saw him down as far as near the old barracks, and I saw no stones.

Cross-examined by Mr. *James.*

11111. Now, what did it occur to you that Mr. Conway was doing on this wall; is he often on a wall in that way?—I do not know.

11112. Did you ever see him before, either day or night, in that position on a wall?—No.

11113. What did it occur to you he wanted in that position on the wall; what did it occur to you he was doing on the wall; you say that the gates of Monaghan's hotel were open, and he was going in; I do not understand what he was doing there?—I do not know.

11114. Is it usual to see Mr. Conway on the wall there on Sunday afternoon?—No.

11115. Have you ever seen him before or since in such a position on the wall?—No. I never saw him at an election before.

11116. The voters, you say, were going into the yard?—Some of them were standing and arguing with him.

11117. What was he doing?—He was on the wall speaking to them.

11118. Did you hear him speak in Irish?—I do not understand Irish.

11119. Did you hear him speak in some other language than English?—I cannot say.

11120. Will you swear that?—I cannot say.

11121. Will you swear that he did not speak in some language that you did not understand?—He might have spoke in Irish before I came there. I cannot understand Irish.

11122. So he might after you left; will you swear that he did not speak in Irish while you were there?—To the best of my opinion, he did not.

11123. Will you swear positively?—To the best of my opinion.

11124. Were you there the whole time he was on the wall?—No.

11125. Did you find him on the wall when you went down?—I did.

11126. What he may have said before you came, of course you cannot tell?—No.

11127. Did you leave him on the wall?—No.

11128. Where did he go?—He walked down and got into the lane.

11129. How long was he on the wall?—I suppose five or ten minutes.

11130. And you found him there?—Yes.

11131. Some others on the wall with him?—Yes.

11132. Was he addressing the freeholders?—He was saying something; there was a man of the name of Burke, and him, saying something.

11133. He was arguing with Mr. Burke?—Yes.

11134. Did you know that these were the freeholders of Colonel Higgins coming in?—I did.

11135. Who told you that the voters were coming up that way?—I do not know; I am a stranger in the place; I know very few in it; I asked the strangers what they were, and they told me.

11136. What did you go there for?—I went there just for speculation and amusement.

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11137. To see these voters?—I did not know them; I knew nothing about them; I knew very little about them, and very little I wanted to know.

11138. Now, have you subscribed to the Moore indemnity fund?—Yes, I did.

11139. How much?—I think two shillings

11140. That will not last long; when did you subscribe that?—Last Sunday.

11141. At the chapel?—No; last Sunday week.

11142. Where; at the chapel?—Yes.

11143. Mr. Conway's chapel?—The parish chapel, Ballinrobe.

11144. Was Mr. Conway there?—No.

11145. Who was the priest?—There was no priest there.

11146. Who did you pay the money to?—To Mr. Monaghan.

11147. Was the petition read out from the altar?—What petition?

11148. The petition of Colonel Higgins to the House of Commons.—No.

11149. Have you not heard that petition read out from the altar?—No.

11150. Do you mean to swear that?—I do.

11151. Now, was any address made about the subscription at the chapel?—I was not at mass last Sunday.

11152. But the Sunday you subscribed?—No, there was not.

11153. Who officiated that day?—Father Hardiman.

11154. Now, you were a good deal about with Mr. Conway at the election?—No, I had not time.

11155. Oh, you attended to your own business, did you?—Yes, I did, except on Sunday.

11156. And then you went to the wall?—Yes.

11157. Have you seen Father Conway since he came to London?—No.

11158. You have not seen him at all?—No.

11159. When did you come to London?—Last night.

Re-examined by Mr. *Buchanan.*

11160. Now, you went to mass before you went up to the meeting?—I did.

11161. Now, one word only with reference to the wall; from the shape of the wall, could Mr. Conway have remained on it unless he held from the top?—Unless he had something under his feet.

11162. But by kneeling upon it?—No, he could not.

11163. Did you see the other people that were looking over the wall?—They were sitting one leg in and one leg out, some of them; more of them were sitting with two legs on.

11164. More of them were sitting on the wall?—Yes.

11165. He was leaning?—He was leaning.

11166. Now, during the time that you saw the Rev. Mr. Conway was he quite quiet?—He was; I heard him ask the mob at different times, for God's sake, to be quiet; and any one that would be otherwise, and would put themselves in the power of the law, would be his enemies, not his friends.

11167. What was his manner when he was addressing the people; was he very violent?—Well, he seemed excited.

11168. *Committee.*] The learned Counsel asked you just now whether, in the remarks made by Mr. Conway in the chapel, you heard him say, "But believe me, the curse of God will follow every man that gives his support to him;" you said that you did not hear those words?—I did not.

11169. Did you hear any words at all like "The curse of God will fall upon anybody," or "will not fall"?—No.

11170. You did not hear those words at all?—No; if they were said, I did not hear them.

11171. Do you think you would have heard them if they were addressed?—Yes.

11172. Did you pay great attention?—I think I paid proper attention.

11173. You never heard the words, "The curse of God," used in any sense whatever?—I did not.

11174. Did

11174. Did you make any note of what you had heard?—I did not; I least expected I would be called here, up to the day that I was called here. Mr. *J. Fleming.* 8 July 1857.

Mr. *Patrick Feargus*, called in, sworn, and Examined by Mr. *Karslake*, as follows: Mr. *P. Feargus.*

11175. YOU are a shopkeeper, living at Ballinrobe, I believe?—Yes.
11176. You say that you live at Ballinrobe?—Yes.
11177. I believe you are a shopkeeper there?—Yes.
11178. Were you living there during the last election?—I was.
11179. Were you, at any time before the election, canvassed by Mr. Griffin?—Never.
11180. Did you ever promise him your vote?—Never.
11181. Had you at first intended to vote for Colonel Higgins?—Yes.
11182. Before the election, did Father Conway call upon you?—It was.
11183. Was Father Conway a personal friend of yours?—He was.
11184. I believe you are very intimately acquainted with him?—Yes.
11185. He was godfather to one of your children, I believe?—He was.
11186. Did he canvass you on behalf of Mr. Moore and Mr. Palmer?—He did.
11187. Did you promise him to vote for them?—I did.
11188. Did you vote for them?—I did.
11189. Was there any threat or intimidation whatever held out to you by Father Conway to induce you to do so?—No, there was no intimidation; but he came to my place on Sunday, and there were some people came with him to my door. After mass on a Sunday the streets are very much crowded with people. He told them I was in favour of voting for Colonel Higgins; he said, "Come up, and see if he intends doing so." While he was knocking at the door to come in, a great many others collected, and waited till he went out, and when he went out into the street, he said I was to vote for Mr. Moore and Mr. Palmer.
11190. Had you promised to do so?—Yes; but up to that time I promised to vote for Colonel Higgins; it was generally understood that I was to vote for Colonel Higgins.
11191. Did you vote for Mr. Moore and Mr. Palmer on account of any intimidation whatever?—No; it was a great principle or personal respect for Mr. Conway which induced me to change my mind, and not from any intimidation or any other cause.
11192. Did you tell Mr. Griffin that you had been obliged to vote for Mr. Moore and Captain Palmer because you dreaded interference with your trade?—Mr. Griffin called on me.
11193. Did you say that to him?—I used the word, but it was not the word I ought to have used.
11194. Did you say that you dreaded interference with your trade?—I did not; if you divide that word, I will answer it.
11195. Divide it, then?—Mr. Griffin said—— Mr. Griffin and Mr. Jennings, the deputy sheriff, called on me on Sunday. He asked me if it was true that Father Conway brought the mob of people about my door, and he remarked, that it was very unfair. He asked me if I would promise Mr. Conway to vote for Mr. Moore and Mr. Palmer. I said, "Yes." I can scarcely recollect, but I know I used the words "I was obliged." Then Mr. Griffin remarked, "I suppose that will injure your trade." I know I made no reply to what he said, but I know that that was so.

Cross-examined by Mr. *James.*

11196. Did you not say, "It was quite true that you had been obliged, for your own protection, to promise to vote for Mr. Moore, and to promise not to vote for Colonel Higgins, and that you did so with extreme regret?—I never said so; I never said that it was "for my own protection." I know I used the words, that I was "obliged to alter my mind."
11197. "And obliged to promise to vote for Mr. Moore, and to promise not to vote

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vote for Colonel Higgins." Did you say that?—That is how I said it. I know I said that word, "I was obliged to alter my mind."

11198. Omitting the words, "for your own protection;" I will leave that out. Did you say this, "That it was quite true that you had been obliged to promise to vote for Mr. Moore, and to promise not to vote for Colonel Higgins; and that you did so with extreme regret." Did you say that?—I think I did.

11199. What did you mean by that?—Because I intended to vote for Colonel Higgins, and having said so repeatedly, and its being known I intended to do so; that was the very reason.

11200. What did you mean by the word "obliged"?—It simply dropped from me; it was not the word that I ought to have used.

11201. What word ought you to have used instead of that?—Because "obliged" means I was induced.

11202. What word ought you to have used instead of "obliged"?—"Induced," not "obliged."

11203. But did you use the word to Mr. Griffin, "obliged"?—I did.

11204. Now, what time on the Sunday did Mr. Conway come to you?—I rather think it was between one and two o'clock.

11205. Do you know Mr. Henry Blake, of Spring Vale?—I do.

11206. Now attend. Did you tell him that Father Conway came to you, that he had with him a dozen or two of the mob about your house on Sunday. Did you tell Mr. Blake that?—I have no recollection of it, but I know I had some conversation with him a few days after.

11207. Did you tell Mr. Blake that Father Conway came to your house with a dozen or two of the mob, and that they remained about your house?—I may have done so, but I have no recollection of the words I used.

11208. What time on Sunday did Father Conway come to you?—I think between one and two o'clock.

11209. Was that Sunday, the 5th?—It was a week before the election.

11210. Is your house on the way to the Neale road, out of Ballinrobe?—No.

11211. Is it in the town?—Yes.

11212. Where were you when he came in; what part of the house?—I was leaving my own house, and going up to the reading-room; I saw Father Conway coming up the street.

11213. Was he coming up the street with a mob?—Some people were coming with him.

11214. Was he on horseback?—Yes.

11215. How many people were following him?—I cannot say; there were a great many of them after prayers, and they were all coming along as they do after prayers; the streets were crowded with them.

11216. Was this after chapel?—Yes.

11217. Did you hear the speech at Geldy's hotel?—I was there, but I could not recollect it.

11218. Was it after chapel; the time of your being at Geldy's hotel?—This was not that Sunday.

11219. I thought it was the Sunday before the polling?—No; it was the Sunday before.

11220. The Sunday before the nomination?—Yes.

11221. Did you tell Mr. Blake that it was true that you had promised Colonel Higgins your vote, but that Father Conway came with a mob of people, and that you had promised him to vote for Mr. Moore and Captain Palmer?—I never said I "promised," because I could not.

11222. But that you were "induced" to vote for Mr. Moore and Captain Palmer?—I do not know that I said so to Mr. Blake.

11223. Listen to the words, and do not answer in a hurry; did you say to Mr. Blake that you had promised to vote for Colonel Higgins, but that Mr. Conway came with a mob of people to your house, after mass on a Sunday, and that you then promised him to vote for Mr. Moore and Captain Palmer?—No.

11224. What did you say to Mr. Blake about it; you deny that?—I deny that I said "I promised."

11225. That you were "induced;" did you say that?—Yes.

11226. That was it?—Yes.

11227. Did you say that you had promised to vote for Colonel Higgins, but that

that Father Conway came with a mob of people, after mass on Sunday, and that you were induced to vote for Mr. Moore and Mr. Palmer?—No.

11228. Then, what did you say?—I never said to him that I had promised to vote for them.

11229. What did you say to him?—That I had intended.

11230. That Father Conway came with a mob of people, after mass, to your house, on a Sunday, and that you were induced to vote Moore and Palmer?—Yes; I might have said that.

11231. Is that true?—I believe it is.

11232. Then, you had intended to vote for Colonel Higgins?—Yes, I had.

11233. And Father Conway came to your house?—Yes.

11234. With a mob of people; and that then you were induced to vote Moore and Palmer?—Yes; but it was from the great personal respect I had for Father Conway, and not from the intimidation of the mob.

11235. Repeat your answer, will you?—That is what induced me to alter my mind and vote for Moore and Palmer, and not from any intimidation of the mob, or from any injury to my trade, or anything else.

11236. When Father Conway asked you, what did he say to you that Sunday before the nomination?—He said he thought I was wrong in going against my priest and bishop, and also that the principal part of all those gentlemen supporting Colonel Higgins were people who had great personal interest in it, and that I had none; and he thought I had a right to go with the people that I was getting my living by, and not going against them.

11237. Did you tell him that you intended to vote for Colonel Higgins?—Yes.

11238. He first used the words "wrong in going against your priests and bishop"?—I cannot remember it was the first; I know he used it.

11239. He said that you were wrong in going against your priests and bishop?—Yes.

11240. What bishop?—Dr. M'Hale.

11241. And your priests?—Yes.

11242. That he said to you?—Yes.

11243. What did you tell him?—What did I tell Father Conway?

11244. Yes; what did you say to him?—I told him I thought I had a right to vote for Colonel Higgins; Colonel Higgins being a Westport man, and that I was under compliment to his father; that he was dealing at my place, and I had a right to vote for him.

11245. What did Mr. Conway say to that?—I cannot recollect exactly what he said.

11246. Did he ever put it on his personal respect? did he ever say, "Vote out of personal respect for me"?—He did not say "personal respect;" he said, "You know how you are connected with me." I felt I was under compliment to him for some time back, and I thought I should be ungrateful if I did not comply with his request.

11247. Did he not put it first to you, that you were going against your bishop and priests?—He put that to me during some time of his conversation with me.

11248. Did he put it strongly to you, that you were going against your bishop and priests?—He did.

11249. You are a Roman-catholic, of course?—Yes.

11250. A constant attendant at his chapel?—Yes.

11251. How many people when he came to your house were outside?—I never looked out to see till he was going out.

11252. How many did you then see?—There were a great many in the street at the time.

11253. How many should you say?—I could hardly say how many; but there were a great many people on the street; a great many more than came with him, because the street was all full at the time.

11254. When you looked out, how many people were outside the door?—Always after last prayers the country people all come up into the streets, and remain on the streets for a length of time; and my place being near the corner they remain standing there perhaps an hour or two, so that the flags were all lined

Mr. *P. Feargus.*

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with them; and if Mr. Conway went out I could hardly distinguish or no those who were with him from those who did not come with him, and that is the reason why I cannot form any idea of the number of people who were with him.

11255. When the priest went out did you hear him tell the people outside that he had seen you, and that you were going to vote for Moore and Palmer?—He did.

11256. Did they cheer him?—Yes; he went down among the people.

11257. He announced to the people, after he had seen you, that you were going to vote for Moore and Palmer?—Yes.

11258. And they cheered upon that?—Yes.

11259. Did they go with him then?—A few might have gone with him.

11260. Up to that time, had you not intended to have voted for Colonel Higgins?—I had up to that time.

11261. When did you come over?—Last night.

11262. Have you seen Mr. Conway since you came over?—No, I have not.

11263. Is he in the lobby to-day?—I have not seen him at all to-day.

Re-examined by Mr. *Karslake.*

11264. You said that Father Conway is a relative of yours?—He said so, but I was not aware that he was.

11265. He is what you call an Irish cousin?—Yes.

11266. Have you acknowledged his relationship since that time?—I never made the slightest acquaintance.

11267. Mr. *James.*] What relation did he say you were to him?—He said he was a distant relative of mine.

11268. Mr. *Karslake.*] You say that you had great friendship for him?—Yes.

11269. You were on intimate terms with him?—Yes.

11270. Now, was there a mob outside your house intimidating in any way at the time that you were induced to promise him?—No, they showed no appearance of intimidation.

11271. You say that the streets are always crowded on Sunday?—Yes, after mass, by the country people.

11272. And the people standing about?—Yes, on the flags.

11273. Were there a good many people round him at this time?—Yes.

11274. Now, was it in consequence of any intimidation that you changed your mind and voted for Mr. Moore and Captain Palmer?—No.

11275. You say that Colonel Higgins's relatives and family had been customers of yours at the shop?—Yes, and Captain Higgins.

11276. This was on the Sunday before the nomination?—It was.

11277. When was it that Mr. Griffin and Mr. Jennings called upon you?—It was the Monday night after Father Conway called.

11278. The next day?—Yes.

11279. I ask you again, had Mr. Griffin ever canvassed you up to that time?—He never asked me for my vote at all.

[Adjourned till To-morrow, at Eleven o'clock.

Jovis, 9° die Julii, 1857.

THE Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., IN THE CHAIR.

Thomas M'Greal, Esq., M.D., was called in; and, having been sworn, was Examined by Mr. *Karslake*, as follows:

T. M'Greal, Esq., M.D.

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11280. I BELIEVE you are a Doctor of Medicine, practising at Castlebar?—Yes.

11281. I believe you are a Roman-catholic, and took an active part in the election generally?—I am a Roman-catholic.

11282. Did you take an active part in the last election?—Yes.

11283. Do you remember composing a placard which has been read here?—Yes. (*A placard was handed to the Witness, headed "People of Mayo."*)

11284. Was that placard composed by yourself?—Yes.

11285. Where did you write the original copy of that placard?—In the Rev. Mr. Cahill's room.

11286. Will you just state the circumstances under which you happened to be in the Rev. Mr. Cahill's house and wrote that placard?—I happened to go into Mr. Cahill's room, and I found Mr. Sheridan and Mr. Jordan, and the clergyman of the town; an allusion was made, I think by Mr. Sheridan or Mr. Jordan, I do not know which, to the bishop's resolution which had just come, I believe, from Tuam.

11287. By the *Committee.*] What day was this?—I could not be sure of the day; I think it was the Monday previous to the nomination.

11288. Mr. *Karslake.*] It was previous to the nomination?—Yes.

11289. Some days?—I think it was four or five days.

11290. You say you were there, and you heard of the resolution?—Yes, I heard Mr. Sheridan allude to this resolution, and I said it would be a capital thing to write a placard, embodying this resolution, and get it published, and I went over to a side-table that was there, and I wrote this placard; that is all I know about this particular resolution.

11291. And put in the resolution of the bishop at the end of it?—I did not do that; I only wrote this placard, and Mr. Sheridan took this placard, and he took the resolution along with it, and got it printed.

11292. Was that a casual meeting?—Quite an accident.

11293. Was that the first you heard of this resolution?—The first.

11294. The placard was printed; had you at that time had any communication whatever with Mr. Moore?—Oh, none whatever.

11295. By the *Committee.*] Was the resolution of the bishop's in manuscript?—It was.

11296. Was it fairly written or interlined?—I did not remark it interlined; I do not recollect it.

11297. Mr. *Karslake.*] You say upon this occasion you took part; had you taken part in previous elections as well?—Well, not so much as in this; indeed very little in any other election; I voted at the prior election.

11298. On the previous election, were you a supporter of Colonel Higgins; before the last election; in 1852?—At the election before the last I supported Colonel Higgins.

11299. On the day before the nomination were you in Westport?—I was.

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11300. Did you meet Mr. Curley there?—I met Mr. Curley there.

11301. The Rev. Mr. Curley?—The Rev. Mr. Curley.

11302. Had you known him for some time before?—For a long time.

11303. I believe he was for nine years in Castlebar as curate?—He was for a very long time.

11304. Was he very active during the famine?—He was indeed, very active.

11305. Is he very much looked up to; much respected?—Very much respected by the people for his exertions during that time.

11306. Did you offer him at Westport a seat upon your car?—I asked him if he was going over to Castlebar, and he said, yes; and I asked him if he would take a seat upon my car.

11307. In going into Castlebar, how was Mr. Curley employed?—Mr. Curley was reading his office.

11308. In the breviary?—In the breviary.

11309. By the *Committee.*] On the road?—On the road; I do not mean to say that he was all the time; but at intervals he was.

11310. Were you sitting on the same side of the car together?—No; on the opposite side.

11311. Mr. *Karslake.*] Did he make any observations to you?—I was speaking to him, and in fact he desired me not to interrupt him.

11312. When you got into Castlebar, did you find any crowd there?—A great crowd.

11313. Where was the crowd?—Opposite Colonel Higgins's committee-room.

11314. What was the demeanor of this crowd of people towards yourself as you came in?—They were shouting; very violent; indeed they were a very violent mob of people shouting.

11315. By the *Committee.*] Shouting at you, do you mean?—No, I am speaking now of their appearance when we saw them.

11316. Did they make any demonstration against you?—As we passed by them they rose a sort of groan as we passed by.

11317. Mr. *Karslake.*] Groaned at you as you passed?—Yes.

11318. Did you go to your house?—Yes.

11319. And Mr. Curley with you?—Yes.

11320. Did you receive some information about the mob after you got to your house?—We were told at the time that the mob had been committing outrages upon the people in the town, and that they were paid to do so.

11321. Is your house in the town?—Yes.

11322. Upon that did Mr. Curley ask you to allow him to do anything?—Mr. Curley left me when we arrived at my house, and then in a few minutes afterwards he came in; he passed through my room, a parlour down stairs, and he said, "I must stop this; will you allow me to go up stairs to speak to the people. I must put an end to this."

11323. Did you allow him to go to your drawing-room?—Yes.

11324. Was that open to the street?—On the street.

11325. Did Mr. Curley go there and address the people?—He did.

11326. What was the tenor of his address to the people from your drawing-room?—He begged the people to keep quiet; he said that the Higgins party wanted only the opportunity to entrap the people and then afterwards to get them put into gaol; he said he knew the game they were playing well, but that it was all up with Colonel Higgins in the county; that he himself had worked for him night and day to return him, and he would now do the same to put him out, as he had broken the pledges upon the faith of which he had been returned, and deceived the people; he said that he had done more for the people of Castlebar than either Mr. Moore or Colonel Higgins, and he asked them, as a particular request, that they would be advised by him, and that advice he gave was, that they should give no provocation to the opposite side; that was only what they wanted; he asked them to go home peaceably and quietly. I mention that particularly.

11327. By the *Committee.*] Did you ask him on his way through your room what he meant by putting a stop to all that?—Oh no; I knew what he meant.

11328. Mr. *Karslake.*] That was the speech he made to the people?—That was the substance.

11329. Were there a good many people outside listening to it?—Yes.

11330. What effect did it have?—The people went away and dispersed immediately.

11331. Did

11331. Did you see him at all leading any mob of people?—No; not at all.

11332. You say he had his breviary with him; is it customary for priests in that country to carry their breviaries with them?—It is always the custom.

11333. And it is in the breviary that they read the offices they are appointed to read to the people to themselves?—Yes; and they frequently read them when they are travelling on the cars; they are obliged to do so.

11334. Were you at the nomination?—I was.

11335. Did you see Mr. Curley there?—He was sitting next to me.

11336. Where did you sit?—I sat under the bench that was occupied by Colonel Higgins and his friends.

11337. And Mr. Curley sat by you under that bench in the court-house?—Yes.

11338. Did you see him on the table at all in the course of that day?—I did.

11339. What did he do when he got on the table?—He got on the table several times to obtain a hearing for Dean Burke, and Sir Richard O'Donnell, and Captain Brabazon.

11340. Those were supporters of Colonel Higgins?—Yes.

11341. By the *Committee.*] Did he hold any particular appointment there that justified him in appealing to those who were assembled there?—No; but that he would be likely to have more influence with the lower class of people that were shouting, and preventing the people from being heard.

11342. Mr. *Karslake.*] When the lower class of people shouted and prevented the speakers being heard, did he beg for a hearing for Colonel Higgins's party?—He did indeed, several times.

11343. Did he obtain it?—He did, but then the clamour went on afterwards.

11344. They were heard, I believe, at last, because we see their speeches in the paper?—Yes, they were heard.

11345. They were heard?—Yes; they took good care to be heard.

11346. Did you see Father Curley upon that occasion doing anything at all improper or violent in the court-house?—Indeed I did not; he could not have done so.

11347. Did you see him, what has been called here, fugleing the people; leading them on to shout?—I have stated what he did; he stood upon the table and his object entirely was to quiet the people; he did no such thing as you call fugleing or anything of the sort, in my opinion.

11348. You saw him all the time?—I was next to him.

11349. According to your opinion, whenever he did interfere, was it in favour of Colonel Higgins's party, to obtain them a hearing?—He did; I dare say he also cheered for Mr. Moore's party no doubt.

11350. Did you see Mr. Sharkie at the nomination?—I did.

11351. Had you known him before?—Never.

11352. Did his conduct attract your attention at all?—Very much indeed.

11353. Where was he?—He was on the bench behind the candidate.

11354. Behind the candidate, Colonel Higgins?—Yes.

11355. You say that his conduct attracted your attention; in what way?—From his disgraceful and disreputable conduct.

11356. What was it?—He was exceedingly violent in action and in manner; he was calling the people liars; saying, "This is a lie;" and "That is a lie;" he said so to Mr. Conway.

11357. Did he say this out loud so that everybody could hear him?—We heard him underneath.

11358. Did he attract your particular attention by his manner upon that occasion?—Indeed he did so.

11359. You were in the town during the election; first of all, did the nomination pass off quietly?—Oh yes.

11360. No violence?—No, I saw no violence at all except the mob the first night.

11361. That was the day before the nomination?—That was the day before the nomination.

11362. During the election at Castlebar, what was the state of the town?—Exceedingly quiet; I never saw anything equal to it.

11363. You have seen numerous elections, have you not?—Every election that ocurred since 1847.

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11364. You say this was an exceedingly quiet election?—The quietest I ever saw; so everybody concurred.

Cross-examined by Mr. *O'Malley*.

11365. Father Curley is a friend of yours?—He is an acquaintance of mine.

11366. More than that?—Do you mean a relative?

11367. No.—He is a friend of mine, certainly.

11368. You walked down to the committee-room together?—Which committee-room?

11369. This morning?—No.

11370. Yesterday?—No.

11371. Do you mean, upon your oath, to say, that you were not walking down to this committee-room?—I did not say anything of the kind.

11372. What do you say?—You asked if I walked down to the committee-room; if you ask me if I walked with him, I did.

11373. You thought it was walking up-stairs to the Committee-room; I mean walking down here to this place?—I was walking with Mr. Curley, if that is what you want me to say.

11374. Yesterday morning?—Yesterday afternoon.

11375. Did he come at half-past 10 o'clock to Parliament-street?—He called upon me at my lodging.

11376. Why did you say three o'clock?—I said no such thing.

11377. You say he called upon you?—He called upon me, and we walked then.

11378. Did you walk this morning?—No.

11379. You did not see him this morning?—No.

11380. When did you last see Mr. Curley?—Yesterday.

11381. At what time?—Yesterday, I think, about four or five o'clock.

11382. You were a check clerk, were you not, or inspector, at Castlebar?—I was not.

11383. What was it?—I was acting as Mr. Moore's friend in the booth.

11384. Were you not checking the votes there?—No.

11385. Not at all?—I had a book of my own noting down the voters; making a memorandum of the voters.

11386. You know what a check clerk is; you were there checking the voters for Mr. Moore?—I told you what I did.

11387. You were checking the voters for Mr. Moore?—No, I was not; I was noting them down for myself.

11388. Was not that in Mr. Moore's interest?—I was acting there in support of Mr. Moore.

11389. Do you know a person of the name of Hanley?—Is that the witness that is here?

11390. I will come to that by-and-by; I would rather go to something else, just to take things in their order; what day was it you issued the placard?—I did not issue it, I wrote it.

11391. You wrote it?—Yes.

11392. You wrote it out, and saw it sent to the press; you wrote it for the press?—I did not. I wrote it for the press, but I did not see it sent to the press.

11393. I thought you told us it was put together by another gentleman, and sent off to the press; that is what I call issuing?—I wrote it for the press.

11394. What day was that?—I think it was Monday; I will not be sure.

11395. What Monday; the day of the poll; or the Monday before the nomination?—It was four or five days previous to the nomination; it was Monday, and the nomination was on Friday.

11396. You say you met by mere accident in Mr. Cahill's house?—It was quite an accidental circumstance my going into there that night.

11397. Were you in the habit of meeting at Mr. Cahill's house?—Not latterly, I think.

11398. Were you in the habit of meeting upon the subject of the election at Mr. Cahill's house?—No, I was not.

11399. Had you ever been there before that night?—At Mr. Cahill's house?

11400. Yes.

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11400. Yes.—Well, my memory does not serve me. I may have been there once before.

11401. Will you swear you had not been?—I will not swear.

11402. Will you swear that you had not met more than once before?—Once before?

11403. Yes.—No I will not; it was quite an accidental thing for me to go there at any time; I was not there by appointment.

11404. We have heard of a meeting not being a meeting, because there was no requisition, and this was not a meeting, I suppose, because there was not an appointment?—There was no appointment.

11405. But did you always happen to meet by accident at Mr. Cahill's house?—Not always, certainly; not more than twice or three times, if it was three times.

11406. That was by accident, this twice or three times?—It was quite an accidental circumstance my going into there. I dare say I might have gone in six times there, and not meet Mr. Cahill at home; I only met him there three or four times.

11407. You met Mr. Cahill there three or four times?—Yes.

11408. And you met the other gentlemen six times?—No, it is not anything of the kind; it is quite unnecessary for you to put into my mouth things I do not say; excuse me for saying I think it is very unfair, when you press me about meeting at Mr. Cahill's; I say I will undertake to swear I did not meet Mr. Cahill, and any other gentlemen in his room, more than three times, but I never went there by appointment at all.

11409. Whom did you meet at Mr. Cahill's those three or four times?—I cannot tell you now.

11410. Did you meet Mr. Green?—I dare say I did.

11411. Did you meet Mr. Sheridan?—Well, I cannot say now; he might have been there or not.

11412. Did you meet Mr. Jordan there?—Mr. Jordan was there that one night only.

11413. Any other gentlemen, friends of Mr. Moore's?—No, I do not recollect; I think it was the clergy of the town that were there, and perhaps Mr. Sheridan.

11414. Just tell me how many clergy of the town?—Mr. Cahill, and Mr. Hosty, and Mr. Green, those were the only ones.

11415. Mr. Hosty, Mr. Green, and Mr. Sheridan?—Mr. Sheridan might have been there.

11416. Where did you first see the resolution?—In the room.

11417. In Mr. Cahill's room?—Yes.

11418. Was it in manuscript?—It was.

11419. In whose handwriting?—I think it was Dr. M'Hale's; I never saw him write, but I think it was his handwriting.

11420. And then I understand you that you wrote the placard?—I did.

11421. And the resolution was taken, as it was, out to the printer's?—I do not know what they did with the resolution.

11422. You say you saw some one append the resolution?—I did not say anything of the kind.

11423. What did you say?—I said I wrote the placard.

11424. Did you say nothing about the resolution?—I saw the resolution there.

11425. Did you not say you saw the resolution put to the placard?—I say it was taken away; I suppose they took it to publish.

11426. Did you not say the very person who took it was Mr. Sheridan; did you not say that Mr. Sheridan took the resolution, and put it to the placard, and sent it away to the printer's?—I did not say that, but I dare say he did.

11427. Have you the least doubt that he did?—I have no doubt.

11428. There was not a man there that would presume to alter the Archbishop's resolution that was in his own handwriting, was there?—I cannot say as to that; I would not do it.

11429. Nor you did not see any one do it?—No.

11430. Before we go to other places, on what day did Mr. Moore come into the town upon his canvass first?—Upon my word, I cannot tell; I cannot tell you.

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11431. You know about the time?—A few days before the nomination; I think the second day; I think it was two days before the nomination; two or three days.

11432. Was not it the Monday before the nomination?—Perhaps it was; yes, I think it was the Monday.

11433. Upon Monday the 30th of March did he not come into the town upon his canvass?—Very well; I suppose so.

11434. Did he?—He came in a few days before; I believe it was the Monday. I had something else to do besides fixing dates at the election.

11435. You will find that there are reasons by-and-by for your knowing that?—Very well.

11436. He came in on the Monday?—Yes; to Castlebar.

11437. Were you in Castlebar when he made his entry?—I was indeed.

11438. Did you see before 12 o'clock the whole area in front of Armstrong's Hotel densely filled with a multitude of people waiting his arrival?—There was a great many there.

11439. How many were there?—I cannot say.

11440. Two or three thousand?—No, nor two or three hundred.

11441. Will you swear there were not two or three thousand?—I do not believe there were.

11442. Will you swear there were not two or three thousand?—Yes.

11443. Were there any priests amongst them?—There were a good number.

11444. Just tell us how many. I will give you some of their names, about 25 of them; Dean Durcan?—He was there.

11445. Archdeacon Browne?—And Archdeacon Browne.

11446. The Very Reverend Dr. Costello?—Yes.

11447. The Very Reverend Peter Reynolds?—No; I do not recollect him just now.

11448. Come, try and recollect now; try back your memory; was not he there?—I cannot recollect him.

11449. Now, I must ask you upon your oath, do not you recollect Mr. Peter Reynolds to have been there?—Well, at this moment I cannot call to mind Mr. Reynolds just now, in carrying my mind back to the time; you press me, but I do not remember Mr. Reynolds to have been there; I am sure he was there before the election.

11450. He might have been there?—Oh, any one might have been there; you might have been there.

11451. The Reverend James Browne?—He was there.

11452. The Reverend Thomas Costello?—I do not recollect him.

11453. The Reverend John M'Cullagh?—I do not recollect him.

11454. Do you know the Reverend Luke Ryan, the administrator?—I do.

11455. Was he there?—I think not.

11456. Will you venture to say he was not there, and very active too?—I will venture to say he was not there at the time you speak of.

11457. Was he there during the day?—I think not.

11458. That you venture to say?—I do, because I think it was afterwards he came into the town.

11459. Is the "Telegraph" or "Connaught Ranger" the organ of the priests in Castlebar?—I think that is the organ of the priests.

11460. A paper published in the town?—Yes.

11461. Just try and recollect yourself, whether the Reverend Luke Ryan, the administrator, was not there; I will not confine you to the particular moment of the day on Monday, but that he was there at some time?—I did not see him at the time that we expected Mr. Moore into the town in the morning.

11462. Did you see him when Mr. Moore came in?—No.

11463. Not at the moment you mention?—I now recollect, that after Mr. Moore came in I saw him.

11464. You saw him with Mr. Moore?—Not with Mr. Moore.

11465. Did you not see him in your own house?—Yes.

11466. Was not Mr. Moore speaking from the window of your house when he was there; was not Mr. Ryan in your house when Mr. Moore was addressing the people from the window of your house?—I recollect now that Mr. Ryan came after Mr. Moore.

11467. Was

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11467. Was he in your house when Mr. Moore was addressing the people from the window?—He was.

11468. Now, try if you cannot recollect that Mr. Reynolds was there too?—No, I do not recollect Mr. Reynolds; he might have been there; there was a number of them.

11469. Was the Rev. Mr. Barrett there?—I do not know such a clergyman.

11470. The Rev. James O'Donnell?—I do not know.

11471. Do not you know Mr. O'Donnell?—No; where is he from?

11472. I cannot tell you; from Ballinrobe, I believe?—Mr. O'Donnell, of Ballinrobe; I do not know any such person.

11473. Then, Claremorris?—I know that clergyman.

11474. Was not he there?—I did not see him.

11475. Was not he there in your house?—I did not see him.

11476. How many priests were there in your house?—A good many; I cannot tell you.

11477. How many?—Upon my word, I cannot say.

11478. Twenty-five?—I dare say there were.

11479. Was the Rev. Patrick M'Loughlin there?—I do not recollect that he was in my house.

11480. Was he there in the town?—He was in the town.

11481. With Mr. Moore?—I saw him in the town.

11482. With Mr. Moore?—I did not see him with Mr. Moore.

11483. I see I must be particular; beside him; I do not ask you touching him, close to Mr. Moore; was not he in the crowd with Mr. Moore?—I am disposed to answer you as closely as I can.

11484. Was not he there, or following Mr. Moore that day in the town?—I say he was in the town, but I did not see him with Mr. Moore.

11485. Was not he there with him, or following Mr. Moore, on that day?—I saw him in the town; but I did not see him with Mr. Moore.

11486. Did you see him at the same part of the town as Mr. Moore?—No, because I only saw Mr. Moore once afterwards on the Saturday, and that was when he came up himself to canvass me.

11487. Did not he address the people from your window?—Mr. Moore did.

11488. Was it after he addressed the people from your window that he came to canvass you?—Yes.

11489. Some of these names, perhaps, you will recollect: the Rev. James Waldron?—I do not know him at all.

11490. The Rev. Michael Curley; was he there?—I cannot bring to bear that he was.

11491. Oh, come, you can try; do you mean to tell the Committee that you cannot tell them whether he was in your house that morning?—I think he was not.

11492. You think he was not; will you swear he was not?—I believe Mr. Curley was not there; at least I do not remember it.

11493. Where was he?—I believe he was at home in his parish.

11494. In Louisburgh?—Yes.

11495. Do you mean to say that Mr. Curley was not in Castlebar on that day; come Mr. M'Greal?—You see you are asking me about these things at the election; but I had something else to do besides recollecting these things.

11496. Do you mean to say that he was not in Castlebar that day?—I do not mean to say so; but I did not see him in my house. I do not recollect it.

11497. Did you not see him in Castlebar that day?—Now I remember, I did. I recollect it because it was the day previously, on the Sunday, that the Bishop of Galway was consecrated, and Mr. Curley was one of the priests up in Tuam at that Sunday, and he came down the next day.

11498. Did he not bring the resolution on that day?—I do not know.

11499. You do not know that he came red-hot from Tuam, and brought the resolution with him?—I do not know anything of the sort; nothing of the sort.

11500. Do you know the Rev. Peter Jennings?—Where from?

11501. Do you know such a person?—I do; a Rev. Peter Jennings.

11502. Was he there?—I do not think he was.

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11503. Was the Rev. Thomas Walters there?—I do not know him.

11504. The Rev. Francis Keogh?—I do not recollect him.

11505. Do you know him?—I do. I dare say he was there.

11506. Have you the least doubt he was there?—I declare I have a doubt. I do not particularly recollect the circumstance; he may have been there.

11507. Do not you recollect he was there?—I believe I saw him in the town.

11508. Did you not see him in your own house?—No; I do not recollect it; he might have been there, and very likely he was; I cannot recollect every priest that was in the town.

11509. The Rev. Richard Hosty?—He was there.

11510. The Rev. Patrick Greene?—I believe so.

11511. The Rev. Henry Cahill?—Yes.

11512. The Rev. Mr. Halligan?—I do not know him.

11513. You do not know any such person as Mr. Halligan?—No.

11514. Do you know the Rev. Mr. M'Hale?—No.

11515. Nor the Rev. Mr. Ivers, I suppose?—No.

11516. Was Mr. Jordan there?—Which Jordan?

11517. Mr. James Jordan.—I do not remember; he might have been.

11518. Come, come, you recollect?—He might have been.

11519. This was the same day that the meeting was held at your own house, from the window of which Mr. Moore addressed the freeholders?—I cannot tell you whether Mr. Jordan was there or not.

11520. Mr. John Sheridan?—I do not recollect that he was in my house.

11521. Will you swear he was not?—I will not.

11522. Mr. Moore was drawn up in triumph to your residence, was not he?—He came there.

11523. Was it "the hospitable residence of Thomas M'Greal, Esquire, M.D., Ellison-street"?—That is my residence.

11524. He came up there?—Yes.

11525. And he appeared at the window?—Yes.

11526. Was he greeted with "a hurricane of cheers, such as never greeted man since the days of the great O'Connell"?—That is what I call drawing the long bow.

11527. Does the editor of the "Telegraph" often draw the long bow?—He may do so.

11528. They say a flattering likeness, a little exaggerated, but very like notwithstanding; did Mr. Moore address the people; you say he addressed them from your window?—He did.

11529. Did he tell them that though he was absent so long he had not been idle?—Indeed I think he did.

11530. Did he tell them he had been "working for Ireland, labouring to free one of the noblest counties from the grasp of whiggery, venality, and corruption;" did he tell them that?—Probably; very likely.

11531. Have you the least doubt that he did?—I cannot say.

11532. Did he say this, "Well, I am amply rewarded; corruption is put down in Tipperary, and the heel of the O'Donohue is on the neck of the faction; the young priests of Tipperary carried his election;" do you remember that?—I do not; I know he mentioned the former part of that sentence.

11533. Will you swear that he did not say "the young priests of Tipperary carried his election"?—I do not recollect that.

11534. Will you swear he did not use those words?—Indeed I will not.

11535. Do not you, upon your oath, know that he did?—No, I believe not, because the first part of that sentence which you read out strikes me as being what he did say, but the latter part of the sentence, about the priests of Tipperary, I do not remember.

11536. Try and remember?—I do not know that he said it; and I do not believe it; that is another thing.

11537. Upon your oath, do you believe he did not use those words?—Well, you know he may have done so, but my belief is, I did not hear him.

11538. Upon your oath, do you believe he did not use those words?—My belief is, that he used the first part of that sentence, but as I did not hear it, the latter part of that strikes me as strange, and I believe he did not use it.

11539. Did you read the account of the transaction in the "Telegraph" newspaper after it came out?—Yes, I believe so.

11540. Of

11540. Of course you read the account of the speech?—That account, that is in that paper, I dare say.

11541. Did it strike you as a correct account of the proceedings?—I did not trouble my head about the account of the meeting, whether it was correct or not; indeed, I would not undertake now to swear that I read it through.

11542. You read Mr. Moore's speech in it?—No, I say I would not undertake at this moment to swear that I read Mr. Moore's speech, and the account of the proceedings in my own house.

11543. You would not?—No.

11544. Just listen; perhaps this may bring it to your recollection: "The young priests of Tipperary carried his election;" do you remember then great cries of "God bless them"?—I do not.

11545. You do not recollect any such cry as that at all?—No.

11546. "They did their duty nobly indeed to creed and country;" do you recollect that?—Not a word.

11547. Do you remember his being interrupted in the middle of his speech with "cheers for the priests"?—No.

11548. Was not he interrupted in his speech with "cheers for the priests"?—He was interrupted frequently with cheers.

11549. Was not there a cheer for the priests?—I do not recollect that.

11550. Will you swear there was not?—I do not believe there was, not a particular cheer of that sort.

11551. Then I will ask you generally, were there cheers?—He was cheered.

11552. Were not the priests cheered?—I do not recollect that.

11553. "They did their duty nobly indeed to creed and country; they put the seal of their scathing denunciation on the brazen front of the Palmerstonian faction." Such a sentence as that must have written itself on your memory?—Not a word; I do not remember that.

11554. Let me repeat it to you again, because I think it would be a very bad compliment to Mr. Moore to suppose that you forgot such a sentence as this: "They put the seal of their scathing denunciation on the brazen front of the Palmerstonian faction"?—I do not recollect it at all.

11555. Did you hear this: "They put the seal of their scathing denunciation upon the brazen front of the Palmerstonian faction. The Scullys, the Keatings, the Higginses." Did you hear those words?—I do not recollect; he might have said that.

11556. Do not you think he did?—Well, how can I say that, you know. I do not remember it just now; it does not strike me as having been said.

11557. Will you swear he did not say it?—Indeed I will not.

11558. How often have you read this paper since this account was published?—Have I not told you, just a minute ago, that I will not swear I read that account at all.

11559. I know you have; and it has made a deep impression upon my mind that you have sworn you do not know whether you read that account at all?—I do not. There are many accounts in the paper I do not read.

11560. I recollect that you swore you did; do you wish to be reminded of that?—If I have done so, I beg to correct it now. I do assure you if that was said, I want to withdraw it. I will not undertake to say I read the account of that meeting at all; I mean to say I looked at it, but did not read it through.

11561. "The falsifiers of solemn oaths and pledges have received a death-blow at the hands of the sainted priesthood of noble Tipperary;" you do not remember that being said at all, I suppose?—Oh, I do not recollect, indeed; it may have been said, because I was not listening to him during all his speech; I was in the room, and I went from one room into the other.

11562. Then, which is the correct thing; that you were in the room where he was speaking, or that you went from one room to the other?—I was part of the time in the room, but not all the time.

11563. Do you mean to say that all this eloquence was rolling out of that window, and you not listening to it?—I listened to part of it.

11564. "The falsifiers of solemn oaths and pledges have received a death-blow at the hands of the sainted priesthood of noble Tipperary; will Mayo follow the example?" do not you recollect, then, a burst of cheers and cries of "certainly," at the words "will Mayo follow the example"?—Very likely.

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11565. Was not that just at the time that he held up the example of the sainted priesthood of noble Tipperary for their encouragement?—No, I cannot say; as you read detached sentences of that speech to me, some of them strike me as being spoken by Mr. Moore, others of them do not strike me as being spoken; others I do not recollect.

11566. What strikes you as having been spoken?—That the county of Mayo would follow the example of Tipperary.

11567. As you say I am not taking them consecutively, I will try to take them in order: "Will gallant Mayo send me again to the House of Commons, accompanied by a man of integrity, or will she return me in company with a political caitiff, whose character as a public man is blasted beyond redemption"?—He said something like that; I do not think that was the exact phraseology he used.

11568. Well, then, you shall give us the exact phraseology, if you please; it will be something, perhaps, a little stronger?—No, I cannot.

11569. "Why, in such a case, much as I should regret leaving you, I could not hesitate to resign"?—He said that.

11570. "And respond to some other of the many calls that have reached me from several constituencies who have solicited my services;" do you remember that?—Well, no, I do not remember that.

11571. Just try if you can recollect this: "Cries of, You will never be driven to such a course. Down with Higgins"?—No.

11572. There was no such cry as "Down with Higgins"?—There were groans for him, certainly.

11573. Was that the part of his speech at which the groans came out?—I cannot say.

11574. I hope you recollect the cases of your patients better than you do his speech; that is all I can say. "I remember once to have seen on the side of the mountain a sheep that appeared in great distress. It was bound to something that it seemed to loathe, and turn from with disgust. Though on a shooting excursion, and intent on the game, I could not resist the desire to ascertain the cause of its miserable condition. Coming nearer, I discovered the dead carcase of its companion bound to its neck. I severed at once the dead from the living, and set the captive free. Now, if you send me to Parliament, coupled with the noisome carcase of a political cheat, I will as quickly cut the connexion." Do you remember that?—Well, I think he said the substance of that; certainly, with regard to the sheep, I recollect that particularly he said that.

11575. That was something in your own way, I suppose?—It might be in your way.

11576. By the *Committee.*] Was the reporter in your room?—There was a reporter there.

11577. Mr. *O'Malley.*] A reporter for the "Telegraph"?—Yes; but he does not write shorthand, and I think it was a very incorrect report.

11578. Did you ascertain it was an incorrect report?—No.

11579. How do you form your judgment that it was an incorrect report?—Because he does not write reports well; he does not write shorthand.

11580. You said this was an incorrect report?—Yes.

11581. Why do think it was an incorrect report?—Because you have read out several sentences there which I do not remember that he spoke.

11582. Is that the only reason why you think it is an incorrect report?—That is one.

11583. What is the other?—Because he does not write shorthand. I think they are two very good reasons.

11584. Did you hear such words as these: "What would you think of a thief, who, having stolen a leg of mutton from our friend over the way;" is there a butcher opposite your house?—Yes.

11585. "And not having been prosecuted for the theft, could have the audacity to return again to the shop, and blandly solicit another! Is not the political swindler who stole your votes, and sold the influence you placed in his hands for a mess of pottage, and now asks you for a renewal of the trust he betrayed, a thousand times worse, a thousand times more audacious, than the thief in question;" was that said?—Something very near it.

11586. And

11586. And the 25 priests were there all the time?—The priests were in my room, and the lay gentlemen too.

11587. You have told us of Archdeacon Brown; did he make a speech afterwards?—He did; a speech you may call it; he addressed a few admonitory words to the people.

11588. Did he exhort the people to treasure up the mass of information they had just received from the lips of the gifted champion of their rights and liberties?—Well, I do not know.

11589. Well, something like it?—I do not recollect that circumstance particularly, indeed.

11590. Did he say something like it?—He may have when Archdeacon Brown went out to the window. I was not near it, so I do not think I can speak as to what he said first.

11591. He might have said this?—I know that the tenor of his remarks was to advise the people to go home peaceably and quietly.

11592. If you know the tenor of his remarks you must have been present to hear them?—Yes.

11593. You told me this moment that you were not present?—No, I did not. I said not at first.

11594. Did you not hear him say he exhorted them to treasure up the mass of information they had just received from the lips of the gifted champion of their rights and liberties?—This is the third time I have told you that I did not hear him say that.

11595. Nor anything like it?—He might have used that, but I did not advert to him; I was not near.

11596. I dare say we shall have some priests here who will have better memories than you have?—I will give you all I recollect fairly and candidly; but you will be shoving things into my mouth that I did not say.

11597. I was asking you whether you knew a man of the name of Hanley?—Yes.

11598. Is he over here as a witness?—I think there is a man named Hanley here.

11599. Where does Hanley live?—He lives in Castlebar.

11600. I suppose you never saw him before?—Oh yes, I saw him before.

11601. Do you know him well?—I know him to be one of the mob of the town, because I heard him examined.

11602. Who was it sent him over here as a witness?—He was brought over here, I believe, as a witness by Mr. Moore.

11603. On your oath, were you not the person who looked him out?—Not at all.

11604. Did you speak to him about his evidence?—Never.

11605. By the *Committee.*] Did you not say you heard him examined?—I said I knew him, because I heard him examined in the court-house with reference to this election. I heard him give evidence; he was one of those 5*s.* people employed by Colonel Higgins's people as a mobsman.

11606. Mr. *O'Malley.*] Did you not say to his mother, that if he gave wrong evidence he should never return alive?—Indeed I entirely repudiate such a thing.

11607. Did you use words like that; did you use those words?—Upon my solemn oath, I swear I did not.

11608. Nor anything of the kind?—Nothing of the kind.

11609. Did you speak to his mother?—I do not know whether the woman there was his mother or not; on the Sunday, when we were coming away, before we left, I do not know whether it was his mother or not, but I heard some laughter, and joking remarks passed at the time, about his going over, and I thought it was a curious circumstance that he, being employed as a mobsman for the Higgins's people, should come over here.

11610. Was he travelling with you?—Yes.

11611. In the same railway carriage?—In the same train; he was at one time in the carriage too.

11612. How did he come from Castlebar?—He came on the coach.

11613. With you?—Yes.

11614. You were on the coach too?—I was inside the coach.

 11615. He

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11615. He was outside then, I suppose?—Yes.

11616. Who else was there?—Mr. Armstrong, Dean Burke, and Mr. Jeffrey Martyn.

11617. Any other clergymen?—Mr. Cahill accompanied us as far as Tuam.

11618. The Rev. Mr. Cahill?—Yes; and Dean Burke, and Mr. Martin, and Mr. Armstrong.

11619. Anyone else?—I do not remember any more; there may have been more; oh, yes, there was a young lad that came also.

11620. Was the Rev. Mr. Hosty there?—No.

11621. Not there?—No.

11622. Not in the coach?—Not in the coach.

11623. Was he at the coach when you came away?—He was at the coach.

11624. At what hotel; you came away from Armstrong's hotel, I believe?—Yes, the coach starts from that.

11625. Now, just tell us what the joke was?—Joking about his coming over, and then about his having got to tell the truth; about his having got money from Mr. Malley, on the part of Mr. Higgins, and having whisky to drink, and all that. Mr. Sheridan said that.

11626. Then they were speaking to him then about the evidence he was about to give?—No.

11627. Were you not speaking to him about it?—I was not speaking to the man at all.

11628. Then Mr. Sheridan was, in your presence?—Yes.

11629. And the mother was there?—She was there; and I think, just as far as I recollect, that the whole thing was about letting him go away, and asking Mr. Armstrong to have an eye upon him, because he was an unsophisticated fellow that had never left home before.

11630. Was Mr. Armstrong going with you?—Yes.

11631. Who told you to have an eye upon him?—His mother, if she was his mother.

11632. She asked Mr. Armstrong to have an eye upon him?—Yes.

11633. As he was an unsophisticated fellow that had never been away?—That was my impression, that was the object which they had in the conversation.

11634. Now I ask you again: did you say nothing to his mother about his evidence?—I do not believe I did.

11635. Try and recollect?—No, I do not recollect. Ask me anything in particular.

11636. You do not recollect saying anything to him about his evidence; will you swear that you did not?—Indeed I will swear I did not.

11637. You will swear you did not?—I do not recollect.

11638. Will you swear you did not?—I will swear I did not say what you stated.

11639. Will you swear you did not say anything to his mother?—I will swear I had no conversation with him about his evidence. There might have been a casual word, just as a joking matter, pass, and nothing more.

11640. Will you swear you did not say anything to his mother about his evidence?—I will swear I did not say what you asked.

11641. Will you swear you did not say anything to his mother about his evidence?—I will swear I did not say what you asked, and more than that, I will say that I do not recollect anything more.

11642. Will you swear you did not say anything to his mother about his evidence?—What is it?

11643. I leave you to judge of that?—I might say "Yes."

11644. That would not be about his evidence?—I do not recollect; I tell you that.

11645. Then you will not swear whether you did or not?—I believe I did not.

11646. You will not swear you did not?—I will swear I did not say what you asked.

11647. That will not do?—Cannot you ask me what it was?

11648. No. Will you swear you did not say anything about his evidence?—My belief is, that I said nothing tangible or material with reference to his evidence.

11649. I want

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11649. I want to know what it was you said, untangible or immaterial?—Upon my oath, I do not know; I do not recollect; I do not know at this moment what you are at; I made no formal observation about the matter.

11650. You say you said nothing tangible or material; I want whatever you said that was untangible or immaterial?—I cannot say; I believe I said nothing at all.

11651. Did you say anything in the presence of Hanley's mother about his evidence?—No; I do not recollect.

11652. Nothing about his giving wrong evidence?—Well, I say now I might have said, "You take care you do not give any wrong testimony;" I might have said that; but I really do not remember it at this moment.

11653. Now we have got it?—If you had asked me at once, but you are driving about the thing and going round about, you might have got it at once.

11654. You might have said something about his giving wrong evidence; now tell us exactly what it was?—I say that if I made a casual observation, it was a mere matter of joke; that was just on the moment, at the time of going out of the hotel when his mother came up to me; I did not expect to see his mother there; she begged Mr. Armstrong to look after him, and I think the woman said afterwards, "God help you, Dr. M'Greal, if you do not bring my lad home to me safe." She might have said that, and then I daresay I might have said, "He had better take care that he gives correct evidence," or something of that kind, "or that he tells the truth."

11655. Did you tell her you would not bring him home unless he told the truth?—No; that was the conclusion.

11656. It was just after her recommending him to your care that you said, "Well, take care he gives correct evidence"?—You may say that.

11657. By the *Committee.*] What is the age of this lad?—About 25; in Ireland they use that expression, "lad," not in the same sense that they do in England at all.

Re-examined by Mr. *Karslake.*

11658. He is what they call a "boy" in Ireland?—Yes.

11659. Is he rather a noisy boy?—Very much so.

11660. When was it you happened to meet this man coming over here?—I met him in the hotel when I went in there on the Sunday.

11661. Is that the place from which the coach starts?—Yes; I met him there; I happened to be going through the hotel when I met him there.

11662. Did you say anything to him or his mother to intimidate him about giving his evidence?—Not at all.

11663. You say you were rather surprised to find him coming over with you?—Yes.

11664. Had you known him before the election?—I knew him as being a mob fellow, a great blackguard; I heard him swear that he was employed to go into the court-house by the sheriff's man to create a disturbance.

11665. By the *Committee.*] What do you mean by the word "blackguard"?—What I mean to say is, that he is one of those fellows employed to shout at elections, and create a row and disturbance, and things of that sort.

11666. Is that the extreme thing which you saw him do at the election, which entitles him, as you suppose, to be called a blackguard?—It may be too harsh an expression.

11667. Has he any calling?—He is a nailer.

11668. Mr. *Karslake.*] Did you hear this man Hanley, after the election, examined at the Court-house?—I did.

11669. Did you hear him give his own account of the transaction?—I did.

11670. How long after the election was it that he appeared at the court-house, and gave the evidence to which you refer?—About a fortnight.

11671. With reference to some of the transactions of the election?—Yes.

11672. You heard him give his own account of the thing?—Yes.

11673. I think you have been cross-examined upon every single word in this long article, except one. Was the window open from which Mr. Moore spoke?—It was.

11674. I believe that is the only thing which my learned Friend omitted to ask you, except whether your house was a hospitable house, which I believe it is; you say there was a reporter in the room?—There was.

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11675. Was he there all the time Mr. Moore was speaking?—I am sure he was.

11676. But he does not write shorthand?—No.

11677. How long was Mr. Moore speaking?—About an hour.

11678. I dare say you find occasions when reporters draw upon their imaginations for their facts, do not you?—Yes.

11679. This was on the Monday?—I believe so.

11680. Did you see Mr. Moore again before the nomination?—No, not a bit.

11681. On the Monday, in the middle of the day, this was?—Yes, in the middle of the day.

11682. You say there were a great many priests there?—There were a great many.

11683. All interested in the proceedings?—I believe so; I suppose so.

11684. About your meeting at Mr. Cahill's, Mr. Cahill lives in the same town with you?—He does.

11685. You know him as an acquaintance?—Yes.

11686. Does Mr. Sheridan also live in the same town?—Mr. Sheridan at present lives in Castlebar. He has a house in the country also.

11687. On the occasions when you met at Mr. Cahill's, did you meet Mr. Sheridan more than once?—Once or twice; I think that is all.

11688. Was it by appointment or by accident?—I have sworn that it was by accident; perfectly accidentally.

11689. By the *Committee.*] You read that resolution at Mr. Cahill's room, I suppose?—I did.

11690. Was there any conversation about it?—There was a conversation, as I have stated, that it would be desirable to get it published; that was all.

11691. You believed it then, and you believe it now, to have been in the Archbishop's handwriting?—Oh yes.

11692. You read it over, then, yourself?—I did.

11693. Did you afterwards read the placard which was posted up?—Yes, I did.

11694. Did it strike you that there was any discrepancy between them?—It did not strike me.

11695. You said at the court-house, at the nomination, Mr. Sharkie said, "That is a lie," upon something that Father Conway said?—"That is a lie," "that is untrue," and several expressions of that sort, in a very excited manner.

11696. Did Father Conway make a speech?—No, I think he replied to some remarks of Captain Brabazon.

11697. He did not make a regular speech?—No.

[The Witness withdrew.

Pat Hanley was called in; and having been sworn, was Examined by Mr. *Karslake*, as follows:

P. Hanley.

11698. YOU are a nailer, living at Castlebar?—Yes.

11699. Do you vote for the county of Mayo?—No, I do not; I have no vote.

11700. Do you remember being in Castlebar the day before the nomination took place?—Yes.

11701. That was on the Thursday?—Yes.

11702. Did a man called Thomas Comer come to you?—Yes.

11703. What did he want you to do; what is he?—He is the sheriff's bailiff.

11704. He came to you; did he require you to do anything?—I met him in the street.

11705. Did he require you to do something?—He met me in the street, and he spoke to me.

11706. Was an appointment made with you to meet some other men at the Linen Hall in the evening?—Yes, after he had spoken to me.

11707. Did you go to the Linen Hall?—Yes.

11708. How many men did you meet there?—There was a list of 28 men given there at the time.

11709. Did all the men meet at the Linen Hall?—No, the whole of them did not.

11710. How

11710. How many of the list met in the evening?—About 16 or 20.
11711. Who was there when they met?—Mr. William Malley.
11712. Of Turlo?—Yes.
11713. Were there any women that met you down there besides?—There were some.
11714. Was that Mr. Malley, of Turlo, the man who was deputy sheriff at the court-house afterwards?—Yes.
11715. Did you receive some instructions as to what you were to do next day?—Yes.
11716. Did you receive any money at the same time?—Yes.
11717. How much?—Two shillings and sixpence.
11718. Two shillings and sixpence each?—Yes; not given to us by Mr. Malley, but given to Comer by Mr. Malley to give us.

Mr. *O'Malley* objected that the circumstances about to be detailed by this witness had not been opened by Mr. Montague Smith.

Mr. *Karslake* stated that he was about to prove that men had been hired to create a disturbance by the deputy sheriff.

Mr. *O'Malley* withdrew his objection.

11719. Mr. *Karslake.*] You say you got 2 *s.* 6 *d.*?—At that time.
11720. Did you have some drink also?—Yes.
11721. Did it have the usual effect upon you?—Yes.
11722. What was that?—Made me drunk.
11723. Made you drunk?—Yes.
11724. Where did you get the drink?—At Pat Philbin's.
11725. Was that a public-house?—Yes.
11726. You got drunk; this was when?—Thursday, the day before the nomination; Thursday evening.
11727. When was it that you were first spoken to?—On Tuesday.
11728. Was it on that day that you got the 2 *s.* 6 *d.*?—On Tuesday I got the 2 *s.* 6 *d.*
11729. On Thursday did you get some more?—I got 5 *s.* on Thursday evening, and some drink.
11730. On the Wednesday did you have anything?—Nothing.
11731. Then, the first day, the Tuesday, you got drunk, the Wednesday you did nothing, and the Thursday, what did you do on the Thursday?—On the Thursday we watched Mr. Malley come in.
11732. What did you do when he came in?—We sent Comer, the sheriff's bailiff, for money.
11733. How many were there of you together when you sent Comer for money?—About 10 or 12 of us together.
11734. Did you get it?—Yes, in the evening, about an hour after.
11735. Did you go to Philbin's that evening?—Yes.
11736. And there you had some drink?—Yes.
11737. What effect had it upon you?—I got drunk.
11738. Besides drink, did you get any money?—Five shillings; not immediately after getting the drink.
11739. After you had the drink, where did you go?—We were going up the street, and Mr. Malley was standing at the Linen Hall; as we were coming up the street, Mullaney stepped out from Mr. Malley, at the Linen Hall, and told us not to go up the street till we would be altogether.
11740. Did you keep together?—Yes.
11741. How many of you?—There was about 20, I think.
11742. Where did you go then?—Walked up as far as Colonel Higgins's committee-room.
11743. Who was with you?—About 20 more men.
11744. Who was with you besides?—Mr. Malley, either before or in the centre, I cannot say which.
11745. He was with you?—Yes.
11746. Who else was with Malley?—None that I saw.

 11747. Mullaney?

11747. Mullaney?—Yes.

11748. Who is Mullaney?—He is one of the mob.

11749. When you got up to the committee-room, what happened?—We began to shout for Higgins.

11750. Did you make a good deal of noise there?—Yes.

11751. How long did you shout there?—About half an hour up and down the street.

11752. Shouting for Colonel Higgins?—Yes.

11753. Were you all drunk?—I cannot say all were drunk.

11754. Not all?—No, I cannot say that.

11755. How many do you think were drunk?—I know myself as to one; I cannot say as to the others.

11756. Could they make a pretty good noise, these twenty men?—They were well able to shout.

11757. You were not too drunk to shout, were you?—I was not.

11758. When you were walking up and down, and making this noise, did anything happen?—Yes.

11759. What happened?—Well, I suppsse we excited the town by our shouting, and many of them followed.

11760. You got into contact?—Yes.

11761. With whom did you get into contact?—With other men, the inhabitants of the town.

11762. What happened?—We began to fight, and they beat us because we were Higgins's men.

11763. Did they drive you off the ground?—No, they left me stretched on the ground.

11764. When you got on the ground were you too drunk to get up again?—No, I was not too drunk to get up; they beat me sober.

11765. Did you get up?—I got up with the help of another.

11766. After this, when you had been beaten sober, did you go to the sheriff?—Yes.

11767. Mr. Higgins?—Yes.

11768. What did you tell him?—I showed him the way I was in; three more and I; and he told me to go and lodge an information. I told him I had no money, and he sent us over to the clerk of the petty sessions.

11769. By the *Committee.*] Had you to pay for your drink, or did you get it besides the 5 *s.*?—I got it besides the 5 *s.*

11770 Mr. *Karslake.*] All clear money, was it, in your pocket?—All clear money.

11771. Did you have to pay for swearing the informations?—No.

11772. Who paid for you?—I did not pay for them myself; Mr. Higgins said he would pay for them; that is, he did not tell me he would pay for them, but he sent his compliments to the clerk of the petty sessions.

11773. A message was sent from Mr. Higgins, with his compliments, saying, he would pay for them?—Yes.

11774. I think you laid informations against two men for beating you?—Yes.

11775. And they retaliated, and laid some informations against you?—Yes.

11776. I believe you are out on bail now?—Yes.

11777. That ended the Thursday night, did it?—Yes.

11778. Had you any directions to go to the court-house on the next day?—Yes, on Friday; to the nomination.

11779. Who gave you directions?—Mr. Malley.

11780. Did you go to the court-house the next day?—I went by myself, the next morning.

11781. Did you meet anybody there?—I met no person there but the policeman of the court-house, and a man named James Lawless; the court-house was shut.

11782. Did you meet any of your friends there?—Not at the time I was let in.

11783. When you got to the court-house, you say the court-house was shut?—Yes.

11784. Who were inside?—The police was sitting inside.

11785. What did you do?—I was standing outside, and Lawless when he saw me opened the door.

11786. Who is Lawless?—I believe he is head bailiff.

11787. To the sheriff?—I cannot say; I am not certain; I heard he was.

11788. You say Lawless saw you standing outside, and you were let in?—Yes.

11789. Was there anybody inside when you were let in besides yourself?—He brought me up to the gallery, and there were four or five men belonging to Mr. Higgins there who were employed.

11790. Were those some of the gentlemen who got drunk at Pat Philbin's?—Yes.

11791. And who shouted at the committee-room; some of the men who were about with you?—Some of them.

11792. They were all up in the gallery, you say?—About four or five of them.

11793. Did any more join you afterwards?—I could not tell.

11794. Was anybody else in the court-house except you and your friends when you were first let in?—Not that I saw.

11795. How long afterwards was the court opened?—I think immediately after.

11796. And then the proceedings began?—Yes.

11797. What did you go to the court-house for; had you any orders as to what you were to do?—If Mr. Higgins was not allowed to speak, we were not to allow Mr. Moore or Mr. Palmer to speak; to shout when they would be speaking.

11798. Who gave you the order?—Mr. Malley.

11799. Then they did hear Colonel Higgins, did they?—Yes.

11800. You did not shout?—No.

11801. What did you do that evening?—After the nomination was over we went home.

11802. The next day, that was the Saturday, did you get any money?—Yes.

11803. How much did you get on the Saturday?—Seven shillings.

11804. Where were you when you got the 7 *s.*?—I was walking through the street watching for Mr. Malley.

11805. Were there some of the other men with you?—Yes.

11806. How many of them, do you think?—I cannot exactly say.

11807. About how many men were there with you when you were out in the street looking for Mr. Malley?—I cannot exactly tell you.

11808. Eight, or 10, or 20?—There was less.

11809. Were those some of the same men who had been with you before?—Yes.

11810. When you were out in the street looking for Mr. Malley, did you see Mr. Malley come?—Yes.

11811. Was Comer one of the men who was with you?—Yes.

11812. Did you send Comer to Mr. Malley?—Yes.

11813. Did he come back to you from Mr. Malley?—Yes.

11814. What did he bring you?—He told us that himself had only got 10 *l.*, 5 *l.* each for Mullaney and himself to give among the men.

11815. You say other men who were with you got 5 *s.* from this man Comer?—Yes.

11816. And you got 7 *s.*?—Twelve of us got 7 *s.* because we were fighting.

11817. How much did you make of the thing altogether?—Of the money I received?

11818. Yes?—Up to the day I swore the information, I received 17 *s.*, and since that I got 5 *s.* since the election was over.

11819. Who from?—From Mullaney.

11820. When you say there were 12 men got 7 *s.*, and others who got 5 *s.*, were the 12 men who got the 7 *s.* with you at this time?—After we got 5 *s.* each we were told to go home, and come up again in about an hour, when the rest were gone away, and there was 25 *s.* leavings to the men to be divided on us.

11821. Did you go back?—Yes.

11822. How many of you?—I think there was about eight or ten of us.

11823. After this then the 25 *s.* was divided?—We got 2 *s.* each.

11824. Do you claim something more yet for your work?—Yes.

 11825. How

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11825. How much more do you claim?—Eighteen shillings.

11826. Did you make any noise in the court on the nomination day?—No.

11827. By the *Committee.*] Were you drunk or sober in the court-house on that day?—I was not very sober.

11828. At what o'clock was it in the morning?—I think about 10.

Cross-examined by Mr. *O'Malley.*

11829. I suppose you are very seldom sober when you can get drink?—When I have it in my pocket I drink it.

11830. When you have the money in your pocket you spend it in drink?—Yes.

11831. And you generally drink till you get drunk?—Not generally.

11832. It is not true that you are a drunken blackguard, is it?—No, it is not. I may drink to be drunk, but I am not a blackguard.

11833. You do not think that Dr. M'Greal would be right in calling you a mob fellow and a blackguard?—I think not, to call me a blackguard.

11834. You think that was rather hard upon you?—Yes.

11835. Where were you last night?—I was down at the hotel here.

11836. What hotel?—I cannot exactly tell.

11837. Was it near this house?—No; it is, I think, about a quarter of a mile away.

11838. Over the bridge?—On the street to the left.

11839. Who was with you there?—Some Galway chaps.

11840. Were there any Mayo men with you?—Not one, but myself.

11841. Who was keeping care of you?—Myself.

11842. Who took care of you there when you might get drunk, or require to be taken care of; who was taking care of you?—In the house where I lodged last night?

11843. Yes?—I suppose the people that brought me to bed.

11844. Who brought you to bed?—I think it is the waiter of the house.

11845. Were you so drunk that you had to be brought to bed?—I was very tipsy.

11846. What hour of the day did you begin to get tipsy?—After four o'clock.

11847. You expected to come up yesterday, I suppose?—Yes.

11848. And you kept sober until four o'clock, and then you let loose?—Yes.

11849. My learned friend suggests that you may be, perhaps, able to begin to-day at two?—I will drink no more in London till I leave it.

11850. Who were you with?—I have been with the Galway men.

11851. Who gave you the money to drink?—I had it myself; Mr. Armstrong gave me 3 *s.* last night.

11852. Was it 3 *s.* or 5 *s.*?—Three shillings.

11853. When did he give you that 3 *s.*?—I think it was between five and six o'clock.

11854. You began to get drunk at four?—No, I did not.

11855. You told us you did?—I had some money in my pocket before that.

11856. Where did that money come from, the money you had in your pocket before?—It came from Mr. Armstrong.

11857. Mr. Armstrong gave you that money you had before, and the 3 *s.* too?—Yes.

11858. Did he tell you you might go and get drunk then?—No, he did not.

11859. How much had you in your pocket before?—About 4 *s.*

11860. Did you spend the whole 7 *s.* in drink last night?—No, I did not.

11861. How much did you spend?—I spent about 3 *s.* between my bed and drink.

11862. You spent 3 *s.* from four o'clock?—No, not four o'clock.

11863. You began at four o'clock?—I did not.

11864. You told us you did?—After four o'clock.

11865. When was it you began to lose your consciousness of where you were, to forget where you were?—In the hotel, I think.

11866. About what o'clock do you think your memory left you?—I think it would be about ten o'clock.

11867. When

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11867. When did you go to bed?—About eleven o'clock.

11868. The woman of the house you say put you to bed, did she not?—No.

11869. The waiter put you to bed?—Yes.

11870. And who got you up this morning?—I myself; I rose myself.

11871. Who did you see there, any of your friends?—I saw no friends belonging to me in it, with the exception of the Galway men.

11872. How did you know you would be wanted here to day?—I was told.

11873. Who told you?—Mr. Armstrong.

11874. That is the hotel keeper in Castlebar, the man who kept Mr. Moore's committee-room?—Yes.

11875. Was it he brought you up here this morning?—No, I came up myself.

11876. How did you know the way?—I found it out; I inquired of the police when I left the hotel; I inquired of a policeman I came up to, to direct me to the Court.

11877. Who told you what inquiries to make?—The police; I axed him.

11878. The way; what did you ask him?—I wanted the way to the House of Commons.

11879. When you got to the House of Commons how did you find your way up here?—I was brought up here by Mr. Armstrong.

11880. And you left him, I suppose, outside the door?—Yes.

11881. Do you know Father Curley?—I do.

11882. Did you see him this morning?—No.

11883. Just recollect?—No.

11884. Try and recollect; did you not see him this morning?—No.

11885. Was not he with Mr. Armsrrong this morning?—He was not; I did not see him.

11886. Was not he with him when you saw Mr. Armstrong?—No.

11887. Will you swear that?—Yes.

11888. Was there any priest with him?—There was Father Henry.

11889. When did you first see Father Henry this morning?—When I was coming up to the house; when I got here I saw Father Henry in the street.

11890. Who else?—No one.

11891. You met him by chance?—Yes.

11892. Did he not walk up with you?—No.

11893. Did he tell you what to inquire for?—No.

11894. Said nothing?—No.

11895. Do you know Father Conway?—No; I know him by sight, not more.

11896. How long have you been here?—Since Monday night, about 11 o'clock.

11897. Have you been drunk every night since?—No.

11898. Tell me what night you were sober?—Every night, with the exception of last night I took a little.

11899. Every night since you came up?—Yes.

11900. They treated you very badly?—I was at my own disposal to do as I thought proper.

11901. If you were at your own disposal without money you could not do much?—How can you tell that?

11902. Because I know you are a man of that nature who whenever you have money in your pocket you get drunk?—Sometimes I do.

11903. Were you without money since Monday?—I was not.

11904. And yet having money in your pocket you kept yourself sober?—Yes.

11905. I suppose you are far gone when you think yourself drunk?—No, not very far gone.

11906. Can you tell me when about you begin to feel drunk?—What do you mean?

11907. When you can lie on the ground without holding, do you think yourself drunk?—Oh, an Irishman can drink more than that.

11908. Who brought you to the hotel where you were so hospitably treated?—I was at my own disposal to go where I thought proper.

11909. Who brought you to the hotel?—No person.

11910. Who guided you to the hotel on Monday?—I was not in the hotel on Monday.

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11911. Where were you on Monday?—I was put into some house as we came off the train; I was lodged in some house opposite the train.

11912. Who lodged you?—No person but myself and two men; I went in the same house with them.

11913. Who were the two men?—They were from Swinford.

11914. And who were they?—One was O'Dowd and the other was Staunton, I think.

11915. What money had you when you arrived in London?—I think I had about a couple of shillings.

11916. Who gave it to you?—I got it from Mr. Armstrong in Dublin.

11917. Did he not give you more than 2 *s.* in Dublin?—He gave me 3 *s.* in Dublin.

11918. Did that last you all the way from Dublin?—It did not.

11919. What was the first—what other money did you spend?—(*The Witness looked for a paper.*)

11920. Oh, you have a note of it?—I have lost it.

11921. It has gone, like the money?—I believe so.

11922. Let us look at the pencil you wrote it with?—I lost the pencil too.

11923. When did you discover you lost the pencil?—This morning.

11924. Did you discover you had lost the notes too?—I may have it, for all I know, in my pocket; I did not search.

11925. You say you spent more than 2 *s.* on your way; where did you get the money?—I got it from Mr. Armstrong in Dublin.

11926. You spent more than that on your journey?—I spent 3 *s.* to London.

11927. You spent more than that on your journey to London?—I did not tell you that.

11928. You spent only 3 *s.*?—I got 3 *s.* in Dublin.

11929. How came you to have 2 *s.* when you arrived in London?—I think I drank one glass of whisky; I only took one glass of whisky, that is 4 *d.* I think, at one of the railway stations; that is all I spent till I arrived in London.

11930. That you spent in whisky?—Yes.

11931. How much had you when you arrived?—I had something about 2 *s.* 3 *d.*; I think I bought a box of matches.

11932. Where did you go to?—When I came into London, I lodged somewhere about the station.

11933. Who directed you there?—The police; I axed for a lodging-house, and they told me.

11934. Where was Mr. Armstrong?—Mr. Armstrong took a cab himself, and Dr. M'Greal.

11935. Do you mean to say then that he and Dr. M'Greal left you to go where you pleased, and to lodge where you pleased that night?—They did.

11936. Did they appoint to meet you anywhere?—No; they told me to call at the House of Commons next morning.

11937. They did appoint to meet you at the House of Commons next morning?—Yes.

11938. They told you you might go where you liked with 2 *s.* 3 *d.* in your pocket?—I got money from them.

11939. What money more?—Five shillings more.

11940. Then you did not get drunk that night?—No.

11941. Did you drink at all?—After dinner I took a pint of ale.

11942. Tuesday where were you?—Tuesday morning I was here.

11943. Who did you meet?—I was at Mr. Martin's.

11944. That is the agent?—I suppose so.

11945. Who did you meet there?—I met Mr. Armstrong, and Dr. MGreal, and the whole of them.

11946. Who are the whole of them?—I met Dr. M'Greal and Mr. Armstrong, and Mr. Murphy, and they told me to stop there.

11947. Any of the priests?—No.

11948. You did not meet any of them that day?—No.

11949. Did you on Wednesday?—Oh, yesterday.

11950. Whom did you meet?—Father Ryan.

11951. Where did you meet him?—I met him at Mr. Martin's.

11952. Is that Father Luke Ryan?—I think his name is Father Peter Ryan; I am not certain.

11953. The

11953. The priest of Kilmena?—Yes.

11954. Where did you go from the agent's?—I stopped up-stairs at Mr. Martin's.

11955. The whole day?—Yes.

11956. The whole day of Tuesday?—Oh, no, but yesterday, I thought you said.

11957. But Tuesday?—I stopped there for a few hours, and I was outside walking about here.

11958. When did you get away?—On Tuesday I walked out at five o'clock.

11959. When did you change from the place opposite the hotel to the other place?—I stopped there that night. I came by train. I came up here on Tuesday morning.

11960. Who sent you to the hotel where you were?—Nobody; myself.

11961. Where was it you went to?—Last night?

11962. Where you were before?—I was over in a little street.

11963. You know the name, as you went there by your own guiding; who brought you to the little street?—I was told to apply for a lodging-house; Mr. Armstrong went along with me.

11964. And he found the place for you?—No; he told me to go in and inquire.

11965. He went with you to the door?—Yes.

11966. Did he give you any more money there?—Yes.

11967. How much?—Five shillings.

11968. You say you went off last night by yourself; can you tell me the name of the street you asked for?—I cannot tell; I met, after the court was over here, I met some Galway men that was on, I believe, another Committee; says I, "I am very lonesome where I am, I have no person that I know." "Come along with us," says he, "to-night;" so I consented.

11969. How did Mr. Armstrong know where you were?—He did not know where I was.

11970. You say you arrived by the railway on Monday; who came with you?—Mr. Armstrong, Dr. M'Greal, and young Murphy, and I.

11971. You came together?—Started together and landed together.

11972. When did you leave Mayo?—Sunday evening, five o'clock.

11973. How did you come away?—With the mail.

11974. Car, or coach, or what?—Coach to Athenrie.

11975. Were you very sober, then?—Quite sober; I drank nothing.

11976. Who came with you from Castlebar?—Mr. Armstrong, Dr. M'Greal, young Murphy, and myself; the others I do not know.

11977. Some others; tell me the others you do know?—There was Dean Burke, from Westport.

11978. Who else?—Father Greene, as far as Hollymount.

11979. Who else?—Father Cahill, as far as Tuam.

11980. What part of the coach did you sit in?—Over head, in the rail.

11981. Where did Father Greene sit?—He sat one side of me.

11982. Father Cahill?—In the front.

11983. On the outside of the coach, too?—Yes.

11984. Father Greene was taking care of you, I suppose?—No.

11985. Not at all?—Nothing to do with me.

11986. He was sitting beside you?—Yes.

11987. Did you not hear him say, as you were going away, he would take care of you?—She was there at the time.

11988. Did she not ask Father Greene to take care of you?—No.

11989. Who was it she asked to take care of you?—Mr. Armstrong.

11990. What did he say?—He said he would return me home safe.

11991. Did he say any "ifs" about it?—No.

11992. Nothing about your evidence?—No.

11993. Nothing about your telling what was the truth?—No, he did not speak to me about it; he might to my mother.

11994. Perhaps you were not near enough to hear?—Yes, I was.

11995. Was she inside the coach?—No.

11996. Did she come to the outside of the coach?—Yes.

11997. Do you mean to say there was nothing passed between her and Mr. Armstong, as to the evidence you should give?—Not a ha'p'orth, that I heard.

 11998. Nor

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11998. Nor Father Cahill?—No.

11999. Nor any one?—Not a word.

12000. Not a word said about that. You must take care what sort of evidence you give?—No.

12001. That you did not go and tell anything wrong?—No.

12002. Not a word?—Not a word.

12003. Was there any joking about your evidence?—Not a ha'p'orth.

12004. The only thing said was, they would bring you home safe?—That is all.

12005. Did not your mother say that you were a poor boy, unused to the world, and might go astray?—I do not know what she said to Mr. Armstrong; all I heard Mr. Armstrong say was, he would bring me home safe.

12006. Did you say before you left Castlebar that you would do the business?—No, not that I recollect.

12007. Will you swear you did not?—I think not.

12008. Will you swear you did not?—I will.

12009. You will swear you did not?—I think I did not.

12010. Will you swear you did not?—I will not swear it.

12011. Whose business?—I cannot, exactly; what business? I do not know what business.

12012. Whose business?—I do not know what business.

12013. Whose business were you to do?—No person's.

12014. Was not it Colonel Higgins's?—No, I do not know what business you say; I cannot exactly say what you mean.

12015. You know what I mean; I will not ask very exactly; you know what I mean: whose business was it?—No, I do not.

12016. Whose business do you think it was?—I do not know what it was.

12017. Did you say you would clinch the case?—No.

12018. Nothing of that kind?—No.

12019. Will you swear that?—I will.

12020. That you did not use that word?—I will.

12021. But about doing the business, you are not quite sure; where were you the night before you started upon the coach, the day before you started?—In my own house; my father's house.

12022. All day?—Yes, working.

12023. Did your mother come up with you to William Armstrong's hotel?—On that day?

12024. To see you off?—Yes.

12025. Were any priests at your house that day?—No.

12026. Who was?—No priests.

12027. Who came to tell you where you were to go?—Mr. Sheridan.

12028. You did not come of yourself?—No.

12029. Who first told you you were to come?—Mr. Sheridan.

12030. Was that the first person that came?—He told me I should be prepared at five o'clock in the evening for the coach.

12031. Some one had told you before that you were coming?—No; I heard it rumoured about that they were all to be brought.

12032. Do you mean to swear that you heard nothing of your coming, except from rumour, till you were told to be ready at five o'clock?—I do.

12033. That you did not hear from your father or mother that you were to come?—No; I did not hear I was to come, only rumour, until Sunday morning.

12034. Who was the rumour from?—It was through the town; every person.

12035. But you were not told you were to come at all?—I heard the rumour I was to come, but I had no certainty until Sunday morning.

12036. Did you hear the rumour before you had told any one what you had to say?—I told no one what I had to say.

12037. Never?—Never, only what I told in the court-house.

12038. I believe you swore two sets of informations, did not you?—No; I only swore one.

12039. That was an information against people for knocking you down, was not it?—Yes, and beating me.

12040. Do you mean to say that you had never given anyone any other information but that before you heard you were to come along?—I do swear it; I never told any person what I knew, or what I did not.

12041. Nothing

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12041. Nothing about it?—Never in the world; I swear that.

12042. So that they hit upon you by accident?—They knew nothing about me except what they heard the day I was swearing the information at the petty sessions before the magistrate.

12043. Do you mean to say you had had no conversation with the priests since the election?—Never.

12044. With none of them?—No.

12045. You swear that?—I swear that I never had anything to do with any other ones.

12046. Who were the ones?—That I met in the convent.

12047. Where?—In Castlebar.

12048. When was that?—About a month after the election.

12049. How came you to meet them at the convent?—I went up to get forgiveness.

12050. For what?—For being a Higgins man.

12051. Who was the priest you went to for forgiveness?—Father Hosty.

12052. Was there anyone else?—No.

12053. Did he give you forgiveness?—Yes.

12054. Did he tell you that you must come to London?—No.

12055. Did he tell you anything you were to do before you got forgiveness?—Never.

12056. Do you mean to say that you merely went up and asked for forgiveness, and that he gave it to you?—Yes.

12057. You mean to swear that?—I mean to swear that.

12058. What did you say to him?—I went up to take the pledge against whisky.

12059. There was another reverend gentleman there, was not there?—No.

12060. You broke the pledge very soon?—No, not very soon; I only took it for a period.

12061. For what period?—A month.

12062. Now you mean to swear that the clergyman administered the pledge to you for a month?—No, not the clergyman, but the reverend mother; it was at the convent.

12063. Had you any conversation with the reverend mother before you asked forgiveness of the priest?—Yes.

12064. A good deal?—No, not much.

12065. How long were you with the mother before you obtained forgiveness from the priest?—About 10 minutes.

12066. Did you tell her that you were coming for forgiveness to the priest?—I told her.

12067. Did she advise you to go?—Yes.

12068. Did she tell you what you were to do?—No.

12069. How soon did you see the priest after?—He was reading mass upstairs in the convent, and when mass was done; I was at mass in the convent, and when he had done mass I got forgiveness.

12070. Then you had been with the mother before the mass?—Yes, about 10 minutes.

12071. After getting advice from her you went up to mass?—Yes.

12072. And then, after the mass, where did you see the priest?—In the convent.

12073. And you asked his forgiveness for being on Colonel Higgins's side; for acting for Colonel Higgins; what did you say to the priest?—I told him I was a Higgins man, and that I wanted forgiveness, and he gave it to me on the spot.

12074. Not a word more about saying you were very sorry?—I told him I was sorry for what I had done.

12075. Did he not ask you to confess what you had done?—Yes; he told me to me to go and confess after I spoke to him.

12076. And did you confess all this afterwards?—I did.

12077. Then it was after you had been to the confessional you told them all this, you say?—I told them before.

12078. But you told him when you went to confess?—Not to any clergyman I knew; it was a strange clergyman.

 12079. You

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12079. You did not know him at all?—No, I did not; there is about 100 strange clergymen that I never saw in my life before.

12080. You did that at the convent?—Not at the convent, at the chapel.

12081. Did you tell him all that without his asking you any questions; the man you confessed to?—Did I tell what?

12082. Did you tell him the whole story without his putting any questions to you?—He never axed me a question.

12083. Did the mother tell you you would have to confess?—No.

12084. When you saw the priest, did you go on your knees to him to get his forgiveness?—No.

12085. Do you mean to say you merely went up to him, and said, "I am a Higgins man, and I want forgiveness"?—Yes.

12086. Any penance?—Not at the time I spoke to him; I told him I was——

Mr. *Karslake* objected that this was extracting what had passed in the confessional.

The *Chairman* stated that the Committee did not understand it to have passed at the confessional, but at the interview with the priest, previous to confession.

12087. Mr. *O'Malley.*] Did not he tell you that he would forgive you, but that you must go to confess?—Yes.

12088. In consequence of that you went to confess?—Yes.

12089. Did you do penance after?—Yes.

12090. What penance did you do for being a Higgins man?—I suppose that is too important to ask.

12091. I ask you what you did?—Why I think it is not a question to be answered.

12092. Yes; you can tell us what you did?—I fasted for some days and said some prayers.

12093. How many days?—I fasted for three Fridays, and for one meal.

12094. But you always fast upon a Friday, do not you?—Never.

12095. And said some prayers?—Yes.

12096. And then you heard nothing at all about it, any more about it, until you came up here to London?—I never heard a word, whether I was to come or not, till Sunday morning.

12097. Were you not greatly surprised at the questions my learned friend put to you, if you never told any one what you could answer; when did you tell anyone what you had to say?—I told on Tuesday, at Mr. Martin's.

12098. You told then what you had to say?—Yes.

12099. That was the first communication you had with the priest?—No.

12100. A month after the election?—Yes, it was.

12101. That was the first time; who advised you to go to the mother?—Myself.

12102. Did any one suggest to you that you had better go to the mother?—No.

12103. Have you been with the mother since?—No.

12104. Was there any other Catholic who was a Higgins man that asked pardon that day?—

12105. Mr. *Karslake.*] That you saw; were you present?—Yes.

12106. Mr. *O'Malley.*] Who was it?—A man of the name of Saunders; not that day, but the following morning.

12107. I understand you it was after you took the pledge that you went up to the priest?—No, it was not. The day I went to take the pledge I spoke to the mother, and she said to call in the morning at seven o'clock, and they would be then reading mass, and I was up.

12108. Then it was the morning before you went to the priest you took the pledge?—The evening before.

12109. Was it when you went to take the pledge the same morning that the other man went up?—No; he was taking the pledge along with me.

12110. Can you tell me anyone else?—Yes.

12111. Whom?—Another chap from Ballina.

12112. Did he go up with you to the mother?—Yes.

12113. To

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12113. To ask forgiveness?—No.

12114. Tell us some one else that went to ask forgiveness?—No more.

12115. What do you mean by "excite;" you said to excite the people?—That is the evening, I suppose, before the nomination day?

12116. What do you mean by exciting the people?—Why, we were so drunk, kicking up a row, that we excited them.

12117. You were very drunk, you say, the first night?—That Thursday night.

12118. So drunk that you cannot recollect what you did?—I was not so drunk that I could not recollect it.

12119. Do you mean to say that you were not very drunk the Thursday night before the nomination?—I was drunk.

12120. You were drunk, but not very drunk?—Not so drunk that I could not recollect what I was saying.

12121. Who put you to bed that night?—Myself.

12122. Were you sober enough to go to bed yourself, at your father's house?—Yes.

12123. Were you drunk the next day?—No.

12124. Did you not drink anything the next day?—Yes.

12125. When did you begin to drink?—In the morning, when I got up.

12126. What had you then?—I took my glass of whiskey; my "morning," as we call it.

12127. Did you take your "morning" this morning?—I did.

12128. Do you take "an afternoon" as well as "a morning"?—Sometimes.

12129. You took your "morning;" what day was it you took your "morning;" the day of the nomination?—The day of the nomination, Friday morning.

12130. What is your "morning;" how much is it?—A glass of whiskey.

12131. But there are different sized glasses?—What we call a half-noggin glass.

12132. Your half-noggin glass is about two glasses, is it not?—No, half a noggin.

12133. Is not half a noggin just twice as much as you would get if you went in and asked for a glass of whiskey?—No; it is 2½ *d.* worth.

12134. If you went to ask for a glass, would you not get a glass holding half the quantity of a noggin?—You might get a small glass, but you would get no less than three ha'p'orth; but I like it best to take a full one.

12135. You seem to have made yourself acquainted with the prices here?—Not here, with the exception of the ale.

12136. But you do not get drunk upon ale?—Indeed, I got pretty middling that night.

12137. Were you drunk the other days you speak of, at the election?—I was not drunk; I was not drunk before Thursday night.

12138. You say that you were in the streets of Castlebar shouting like a drunken man, and that you were attacked by the mob, and you were knocked down and left on the street?—That was the evening before the nomination; that was our own fault.

12139. Of course you must have told that to the priest?—I did not.

12140. I do not ask you what you said; whose mob was it? I suppose you knocked against the mob and fell down in consequence?—It attacked us.

12141. Whose mob was it?—I could not say whose mob it was.

12142. Colonel Higgins's mob?—No, it was not.

12143. Was not it Colonel Higgins's mob that knocked you down?—No.

12144. Whose mob?—I cannot say.

12145. Whose mob did you think it was at the time?—I thought it was no person's mob.

12146. Did you not swear it was?—I did not.

12147. Did you not swear it was Mr. Moore's mob?—I think it was no such thing; I think it was in consequence of my shouting for Higgins that the people of the town attacked and beat us.

12148. Will you swear it was not a mob?—It was the people of the town.

12149. If it was not a mob, what was the number of people?—A couple of hundred people.

12150. Did not you yourself swear it was a mob?—It was a mob.

12151. Did you not swear it was Mr. Moore's mob?—No.

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12152. Did you not swear it was Mr. Moore's mob?—I thought they beat us because we were Higgins's mob, but I could not swear whose mob they were.

12153. Who was heading them?—No person that I saw.

12154. Was not the Rev. Mr. Curley in the middle of that mob?—He might have been; I did not see him.

12155. Did you not see him there?—No, not to my recollection.

12156. Do you mean to say he was not heading the mob?—Not to my recollection.

12157. Will you swear he was not?—I will not.

12158. And they knocked three of you down, and left you there in the street; were you much beaten?—Yes.

12159. Were the other men much beaten?—Yes.

12160. What were they beaten with?—With boxes, with fists, with thumps.

12161. And with sticks?—No, not with sticks.

12162. Do you mean to say there were none that were struck with sticks and stones?—I was not struck with stones.

12163. Did you not swear you were struck with a stick?—I did not.

12164. Never?—Never.

12165. What did you say you were struck with?—I was struck by thumps and knocks.

12166. Were you knocked down?—Yes, by a man of the name of Mathew Flannery.

12167. A butcher in Castlebar?—Yes.

12168. How near was Father Curley there?—I cannot tell; I did not see him at all, to my recollection.

12169. Just recollect, was not he very close to you at that very time?—He might be; I did not see him.

12170. How long before that was it you saw him?—I think I did not see him for two days before that.

12171. Did you not state just now that you could not tell whether he was in the mob or not?—He might be; I cannot tell.

12172. Well you swear you did not see him in the mob?—No, I will not swear I did not see him.

12173. Did you say that you gathered round Mr. Malley, when he came in, and got some money from him, or sent over your people to get some money from him?—Yes, after the row the evening before the nomination.

12174. Did you go out rowing the next day, after being beaten?—No.

12175. When was it you met him in the street?—After the row.

12176. The same evening?—Yes.

12177. Did you go on still after being beaten?—We went on, and swore the information.

12178. You went home?—We did not go home; we went to the court-house.

12179. Were you not employed to protect Colonel Higgins's voters?—No.

12180. On your oath, were not you told that your business was to protect Colonel Higgins's voters?—Upon my oath, no.

12181. Who was in command of you?—No person but Mr. Malley, I think, was in command; he gave us directions.

12182. Do you mean to say the whole you were employed for was to shout in the court-house on the day of nomination?—Yes.

12183. And that you got 1 *l.* 2 *s.* 6 *d.* for?—£. 1. 2.

12184. And you did not shout after all?—Not on the day of nomination.

Re-examined by Mr. *Karslake.*

12185. On Tuesday you began your amusement, did you?—The Tuesday before the nomination.

12186. Your first act was to get drunk; was that so?—Not drunk.

12187. But to get tipsy?—Yes, we was.

12188. Was that the first thing you had to do?—The names of all the men was given in at the time.

12189. And you then went to a public-house and got tipsy?—Yes.

12190. You had nothing to do on the Wednesday?—Nothing.

12191. On

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12191. On the Thursday it was you were taken to the committee-room and told to shout?—They did not tell us to shout.

12192. What were you to do?—When we met him on Thursday, he brought us into the public-house and gave us some drink, and when we were going up the street he told us not to go, Mr. Malley had not come; he sent a man, Mullany, and he told us not to go up the street until we were all together.

12193. Where did you go then when you were all together?—We went up as far as Higgins's committee-room.

12194. What were you to do at Higgins's committee-room?—We were to begin to shout for Colonel Higgins.

12195. Did you then begin to shout?—Yes.

12196. How long were you shouting before there was any disturbance against you?—I think about five minutes, up and down.

12197. Were you shouting for Colonel Higgins?—Yes.

12198. You walked up and down?—Yes.

12199. How many of you?—I think about 20.

12200. I suppose shouting as loud as you could for him?—Yes.

12201. Then that mob of people came out, and you got a thump from Matthew Flannery?—Yes.

12202. Is that it?—Yes.

12203. Then the Friday was the next day, the nomination day?—Yes.

12204. You have told us what you did on that day; did you do anything on the Saturday?—No.

12205. The payment that was made to you was for doing what you did on that occasion?—Yes.

12206. You said it was your own fault; was there any disturbance at all until you began to disturb the street?—No, I think there was not.

12207. Were you employed for any other purpose than to shout and make this noise?—No purpose, and to go to the court-house.

12208. I think on the 15th of April you said that the sheriff sent you over, and said he would pay for the cost; he sent you over to the court-house?—It was not the 15th of April, I think it was the 2d; it was the evening before the nomination day.

12209. When did you go and swear your information?—The evening before the nomination.

12210. Did you afterwards go and be examined?—Yes.

12211. How long after was that?—I think that was Wednesday.

12212. The 15th of April?—Yes, I think so.

12213. Was that at the petty sessions at Castlebar?—Yes.

12214. When you were examined at the petty sessions were you cross-examined by Mr. O'Donnell, who appeared for the prisoners?—Yes.

12215. Did you tell them the whole story of your being employed to go about the streets shouting, as you have done here?—Yes.

12216. Did you tell the same story to Mr. O'Donnell; in cross-examination did you tell the story about shouting and hooting about the streets to Mr. O'Donnell, which you have told here?—I did not tell him altogether.

12217. Did you tell him about your shouting and hooting?—I think I did not tell him the entire of it.

12218. Did you tell him about your getting money from Mr. Malley?—Yes.

12219. You spoke of a man named Saunders; was he one of the men who was out in the mob with you?—Yes.

12220. Employed with you?—Yes.

12221. When was it you went to the lady superior of the convent, the mother; how long after the election?—Well, three weeks or a month.

12222. Had you been drinking and rioting a good deal before you went there?—Never, only that evening; I used to be often drinking.

12223. Had you been drinking a good deal during the election?—Some.

12224. You went to her to take the pledge?—Yes.

12225. Had your father and mother made a complaint before you went to her about the way in which you drank?—I believe my mother had.

12226. And you went to her to take the pledge?—Yes.

12227. Did she recommend you to go to the priest?—Yes.

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12228. She said the priest would be there at seven o'clock the next morning?—Yes.

12229. You went the next morning, at seven o'clock, and Saunders went with with you?—Saunders did not go with me the next morning.

12230. Did you meet him there?—No, the evening before; I went myself, and my mother together; me and my mother went together to the convent.

12231. Was your mother present when you took the pledge?—Yes.

12232. She had been speaking to her about it before?—I believe so.

12233. At seven o'clock the next morning you went again to the convent to mass?—Yes.

12234. Was Saunders there?—No.

12235. Who do you say the priest was?—Father Hosty.

12236. You said you told him you were a Higgins man?—Yes.

12237. What did you mean by saying you were a Higgins man?—That I was a Higgins man; employed by Colonel Higgins, for the purpose of shouting at Palmer and Moore through the town at the nomination, if Colonel Higgins was not allowed to speak.

12238. Did you tell him the way you had gone on at the election?—I told him I was a Higgins man, and I wanted forgiveness from him.

12239. Did you tell him you had been drunk, and so on?—I told him nothing but what I tell you; I wanted to get forgiveness from him, because I was a Higgins man.

12240. What did you mean by saying you were a Higgins man; when you told him that, you did not tell him what you had been doing for Colonel Higgins?—No.

12241. What did you mean by saying that you were a Higgins man?—He did not wish that I was.

12242. By the *Committee.*] That you were what?—A Higgins man.

12243. Mr. *Karslake.*] What did he do then?—He told me to go to confession.

12244. Did he give you forgiveness, or did you go to confession?—He told me he would forgive me, if I went to confession afterwards.

12245. Did you go to confession as he told you?—Yes.

12246. And you confessed what you had done?—Yes.

12247. Did you go into all you had done at the election?—Yes.

12248. By the *Committee.*] Who told you to go and ask for forgiveness?—No person but myself.

12249. Did you consider it a crime to have taken one side or the other?—No; but I considered I was in fault for what I had done.

12250. In what respect?—Because I had committed sin.

12251. What was the sin you had committed?—By being drunk and rioting.

12252. Mr. *Karslake.*] You went to the confessional; who confessed you?—I do not know the clergyman's name.

12253. It was a strange clergyman?—Yes.

12254. Before that confession, did you tell the whole story of what you had done?—No, never.

12255. Did you, at the confessional, tell the priest everything?—Yes.

12256. Are you obliged to tell the priest all?—At confession I told him, but not before.

12257. At the confessional, did you tell him all you had done?—Yes.

12258. By the *Committee.*] Did you not say that the reverend mother advised you to go to the priest to ask forgiveness?—Yes, I went up and interceded with the reverend mother to intercede for me to get forgiveness of the priest.

12259. Was that forgiveness for having got drunk and kicked up a row, or was it for having been a Higgins man?—Both; specially for being a Higgins man.

12260. Are you sure of that?—Yes; that was what I believed; I believe that, because I was a Higgins man, I wanted to get forgiveness.

12261. You thought it was wrong?—Yes.

12262. Mr. *Karslake.*] You took the pledge, you say, for a month?—Yes.

12263. Did you keep it for a month?—Yes.

12264. By the *Committee.*] Do you often take the pledge?—Not very often.

12265. How often?—I believe I took it about three times in the last six years.

12266. A month

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12266. A month at a time?—No 12, months sometimes.

12267. Did you keep it for the 12 months?—I kept it 11 out of the 12.

12268. Mr. *Karslake.*] You say you were spoken to; that you heard a rumour, I think, before the Sunday that you were to come here?—Yes.

12269. The cross-examination of you by Mr. O'Donnell I think you said was the 15th of April?—The 2d of April I lodged the information.

12270. When you were cross-examined by Mr. O'Donnell, at the petty sessions, was the 15th of April?—Yes.

12271. On the same day that you were to go down to Armstrong's hotel, to meet the coach that you were to come by; and did Mr. Sheridan come to you on the same day you started for England?—He came to me on Sunday morning, and I started at five in the evening.

12272. You say there were two priests who were on the coach; were they going to different parts of Ireland, one to Tuam, and one somewhere else?—To Hollymount.

12273. They did not come to England?—No.

12274. When you came here, you tell me, the first night's lodging you found for yourself?—Yes.

12275. And on the next day you went down to Mr. Martin's?—Yes.

12276. Did you give your evidence to Mr. Martin of what took place?—On Tuesday.

12277. And you kept sober until you met your friends from Galway?—Yes.

12278. Mr. *O'Malley* (*through the Committee*).] Did you get any money from a man of the name of Neill Golonaugh?—Yes.

12279. During the election?—Not during, before the election.

12280. Did you get any money from Lewis O'Donnell?—No.

12281. Either before or during the election?—No.

12282. Are you sure of that?—Certain.

12283. Was Neill Golonaugh a supporter of Mr. Moore and Mr. Palmer?—I am not certain; I think he was; I am not certain.

12284. Mr. *Karslake.*] Is he a freeholder, do you know; a voter?—No.

12285. By the *Committee.*] You said you went to ask forgiveness; I want to know a little more about that; you said you thought it was wrong; what did you think was wrong in being a Higgins man?—I thought I had angered the clergy by doing so.

12286. Had you any other reason for considering it wrong?—No other reason only being drunk, that I thought it was doing what was wrong.

12287. You thought it was wrong to be a Higgins man; do you mean you did not think it wrong to be a Higgins man at the former election?—I never implicated myself before.

12288. How many days were you employed?—Eight days, from the Tuesday before the election to the Tuesday it was over; eight days.

12289. How much money did you receive?—I was to get 5*s.* a-day, and I received 22*s.*

12290. What did you say you were to do?—To go to the nomination and shout.

12291. And that was all you were to do?—That was all.

12292. To get 5*s.* a-day for shouting?—To go to the court-house the nomination day, and if Colonel Higgins was not heard, not to hear Mr. Moore and Mr. Palmer.

12293. Were you to do anything at the poll?—Not a ha'p'orth; we were let work as we thought proper for the 5*s.*; we were getting half-a-crown a-day as subsistence, and when the election was over we would get the remainder.

12294. Was this half-crown a day in addition?—No, as subsistence, and when the election was over we would get the remainder; there is 18*s.* due to me yet.

12295. Were you told to carry a shillelagh with you?—No, I am not in the habit of carrying one.

[The Witness withdrew.

Mr. *T. Armstrong.*

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Mr. *Thomas Armstrong*, called in, sworn; and Examined by Mr. *Karslake*, as follows:

12296. DO you keep an hotel at Castlebar?—Yes.

12297. I believe you are a voter?—Yes.

12298. You voted for Mr. Moore and Mr. Palmer?—Yes.

12299. At the last election?—Yes.

12300. Now, was the largest portion of your house taken at the last election?—It was.

12301. By whom?—By Mr. Palmer's agent.

12302. How many rooms?—I think about ten rooms.

12303. Well, had Mr. Moore anything to do with taking your house?—No.

12304. Now, then, was there a placard on the front of your house?—There was.

12305. What was on it?—"Vote for Moore and Palmer."

12306. What have you got in your hand?—I took a memorandum of it.

12307. Oh, you put it down, did you?—Yes.

12308. Was there any inscription at all on any part of the house, "Moore and Palmer's Committee-rooms"?—No.

12309. During any part of the election?—No.

12310. Nor afterwards?—Nor afterwards.

12311. Well, were you there during the election?—I was.

12312. Now, what do you say was the state of the town during the election?—It appeared to me much quieter than any of the elections I remember before; it was very peaceable.

12313. Before the election was Mr. Moore in the habit of putting up at your hotel?—He was.

12314. And did he do so at the time that he came in at the election; did he put up at your hotel at Castlebar during the election?—He did.

12315. Was his carriage put in the yard during the election?—It was.

12316. You say that he had been in the habit of coming there before?—Yes.

12317. Using your hotel whenever he came into the town?—Yes.

12318. I believe the last witness came over with you?—He travelled in the same conveyance.

Cross-examined by Mr. *O'Malley.*

12319. What is that paper that you had in your hand?—I had a memorandum; I made a memorandum; I took down the words that were printed on this placard.

12320. Well, what were they?—Vote for Moore and Palmer.

12321. And they were outside?—Along the front of the hotel.

12322. The front of the hotel?—Yes.

12323. Now, did the clergy visit your house?—Yes; there was clergy in and out.

12324. There were?—There were clergy very frequently.

12325. Mr. Martin Brown?—Yes.

12326. Mr. Hosty?—Yes.

12327. Mr. Green?—Yes.

12328. Mr. Cahill?—Yes.

12329. Did you not know that they were secretaries of the priest's association there, returning Mr. Moore?—Well, I do not know that.

12330. Will you swear that they were not?—Well, I do not know anything of it.

12331. *Committee.*] Do you know it of your own knowledge?—No, I do not.

12332. Mr. *O'Malley.*] Now, just tell me this; you know very well that Mr. Hosty, Mr. Green, and Mr. Cahill were priests, who took a great interest in Mr. Moore's election?—I dare say they did; they were very anxious about his return.

12333. Did they not support Mr. Palmer, as you understood, because Mr. Palmer was supporting Mr. Moore?—I dare say that that was their meaning.

12334. You

12334. You know it was, do you not?—I know that they were great friends of Mr. Moore.

12335. And they gave their support to Mr. Palmer on account of his support to Mr. Moore?—I suppose so.

12336. I know you will tell me the truth; was it not so?—Indeed I will.

12337. You know that very well, do you not? do you not know that very well?—What is the names?

12338. Did not they hold their meetings at your house?—Their business was transacted there.

12339. But by the priests?—Well, I am not aware of that.

12340. Was there not a meeting of the clergy of the diocese of Tuam, Killala, and Akinroy, when the Archbishop of Tuam was in the chair; was there not a meeting there?—Yes; there was a meeting; I am aware they had a meeting in one of my rooms.

12341. Was that meeting in one of the rooms taken by Mr. Palmer?—No, it was not.

12342. Was it a different room?—A different room; it is a room that the clergy have generally for their own use; they hold conferences at my house.

12343. Yours is the place that they hold their conferences at?—Yes.

12344. They have a room set apart for their own use there?—Generally.

12345. Now, besides that room, were not the priests frequently in other parts of your house?—Yes; the whole house was open to them.

12346. And in the rooms which you say were taken by Mr. Palmer?—Yes.

12347. Mr. Sheridan was there, was he not?—John Martin Sheridan?

11348. Yes.—Yes; he was frequently in and out.

11349. That is the gentleman we have been speaking of; what is he, John Martin Sheridan?—He is employed as poor-rate collector, I think.

12350. And inspector of what?—Inspector of weights and measures.

12351. He lives at a little distance out of the town; he is not a gentleman of landed property, is he?—I think he is.

12352. But large landed property; does he rank as a gentleman of large landed property?—I do not know much about his property.

12353. You say that he was there?—Yes.

12354. Was Mr. Jerdan there?—What name?

12355. James Jerdan?—Yes, I have seen him.

12356. And Dr. M'Grale?—Yes.

12357. Transacting the business of the election?—I do not know that.

12358. Oh yes, you can tell me that?—I cannot say that.

12359. Were the papers connected with the election there?—The papers connected with the election?

12360. Yes.—Well, I do not know; they had a great many papers, of course, in Mr. Palmer's rooms; I do not think Mr. M'Grale had anything to do with them.

12361. Did you not see him in the rooms transacting buiness?—I do not think I have; I was very little in the room myself.

12362. How many rooms did Mr. Palmer have?—Nine or ten rooms.

12363. In whose business have you seen Mr. M'Grale and Mr. Sheridan?—I do not know; I might have seen Mr. Sheridan in once or twice; but I did not see Dr. M'Grale.

12364. I have reason to think you will tell the whole truth; were they not transacting the business of the election there?—Not Dr. M'Grale, to my knowledge.

12365. Was Mr. Sheridan?—He might have taken part in it; but I am not aware.

12366. And Father Curley, was he there?—He came to my house, but I do not know whether he went to those rooms or not.

12367. Mr. Moore addressed the people from your window?—Yes.

12368. Was it not from one of those very windows?—No, it was not.

12369. Now, tell me, was it not?—No, it was not from one of those windows.

12370. Tell me the room, now?—It was one of the front rooms; it was one of the rooms that were taken by Mr. Palmer; and afterwards they got another room instead of that, being more convenient for writing.

12371. When did they get another room instead of that?—Before they came to transact any business at all in the house.

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12372. Where did Mr. Moore come to speak from?—From the court-house, I believe

12373. What part of your house was he in just before that?—He went into the front door, and turned up to this room.

12374. Who went with him?—Several persons.

12375. Priests?—Yes, and lay people; they followed in with him.

12376. You are a Roman-catholic, I believe?—Yes.

12377. Now, have you heard the priests addressing the people from the altar about the election?—Yes, I heard them speak something about it.

12378. Well, how often, now?—Perhaps twice.

12379. Perhaps twice?—Twice or three times.

12380. A little more, perhaps?—Three times.

12381. Three times?—Perhaps so.

12382. A little oftener?—I do not think I have; I think not; I do not think I have.

12383. Would you like to limit yourself to five times?—I do not think I have heard them five times.

12384. Would you like to say that you did not hear them five times?—I do not think I heard them more than three times.

12385. Who was it that you heard?—I heard Mr. Green on one occasion, and I heard Mr. Hosty on another occasion. I am not aware of anything else; I might have heard the other, but I am not aware of it.

12386. Did he tell the people?—I am not aware of hearing them more than twice; Mr. Green once, and Mr. Hosty another time.

12387. Did you hear Mr. Green say, or did you hear either of them say, that any man who voted for Colonel Higgins would be marked?—I do not think I heard them words.

12388. Well, now, as far as you can tell us, what were the words that were used about marking?—Marking?

12389. Yes.—I do not know that I heard any words of that description at all.

12390. Just tell us, as near as you can, what words were used?—I can't recollect really anything of the kind.

12391. Will you say that you did not use those words?—I do.

12392. You do?—I do not recollect any such words, I can assure you.

12393. Would you venture to say that you did not use those words?—I would.

12394. You say that you did not hear them say that he was a marked man?—I did not hear it.

12395. Did you not hear one of them say that he would sooner vote for a man with horns than for Colonel Higgins?—I did not hear such words at all.

12396. Well, what were the words that you did hear?—I heard nothing of that kind at all.

12397. What was it you heard?—I heard them recommending the people to vote for Moore and Palmer.

12398. From the altar?—Yes; words to that effect.

12399. Did you not hear Colonel Higgins's name mentioned?—I think not.

12400. Nor alluded to in the chapel?—That may be understood, when they said to vote for Moore and Palmer; of course not to vote for anybody else.

12401. The man with the horns?—There were no such words as that, to my recollection.

12402. Did you not hear him say that they must leave their oats, and go in and hoot Higgins?—No, indeed.

12403. And when they had sowed Higgins, the oats would grow the better?—I do not recollect those words.

12404. I am afraid you are hard of hearing?—No, I am not.

12405. Now, did you hear the petition against Mr. Moore read from the altar?—Yes, I did; I heard a part of it.

12406. And commented upon?—Yes; that was, I think, the third occasion on which I heard it.

12407. The third occasion?—Yes, I think that was it.

12408. Was Dr. M'Hale present on that occasion?—No, he was not.

12409. Just try and recollect?—No, he was not; he was in the chapel before that, but not at that time.

12410. Did

12410. Did he preach that day?—Yes.

12411. Was it before or after he preached that you heard the petition read out?—It was after Dr. M'Hale's sermon.

12412. And before the congregation had separated?—Yes.

12413. Was Dr. M'Hale in the sacristy?—I can't say whether he was or was not; but he left the altar and retired.

12414. And then the petition was read?—Shortly after, I think.

12415. Was it headed "Catholic Calumniators," was that read out?—I can't recollect the words of it, but I recollect that part of the petition was read from a printed paper.

12416. And commented upon?—Yes, it was read out.

12417. Was there a subscription raised?—In the chapel?

12418. Yes.—Not that I am aware of.

12419. Was there not a subscription?—Not that I am aware of.

12420. There was a subscription proposed, was there not?—I do not think there was; not to my knowledge.

12421. Have not the priests applied to you for a subscription?—I do not know that they have.

12422. What?—I do not think they have.

12423. "Do not think." It is not a matter of "I do not think," it is a matter of "I know," or "I do not know"?—Unless I knew I would not say; I do not think that the clergy have applied to me. I have heard of a subscription. I do not know that any person in particular has applied to me.

12424. Have you been applied to for a subscription?—I do not know that I have personally.

12425. Have you paid a subscription?—I have not.

12426. You have not?—No.

12427. Have you put your name down?—I said I would subscribe.

12428. Who did you say that to?—I believe to a person of the name of Hannaghan, who was appointed the treasurer.

12429. How do you know that he was appointed the treasurer?—Because I know he had the money; he is my brother-in-law.

12430. How do you know that he was appointed treasurer?—He told me so. He told me that he got subscriptions.

12431. Did you not put your name down?—I am not sure whether I told him to put my name down, but I told him I would give a pound. I do not know whether my name was put down or not.

Re-examined by Mr. *Karslake.*

12432. Hannaghan is your brother-in-law?—Yes.

12433. You did not put your name down, but you gave him liberty to do so?—Yes.

12434. You say that the clergy are in the habit of using your room for conference?—Yes.

12435. You were asked about a meeting of the clergy that took place there; was that before Captain Palmer had taken the rooms?—No, I do not think it was; I know the day that Captain Palmer's agent took the place, and I do not recollect the day the clergy was there.

12436. Was it a different room from any of Captain Palmer's rooms?—Yes.

12437. And it was a room that they generally use for the purposes of their conference?—Yes; for the purposes of their conference.

12438. Now then, you say that a petition was read out; was that part relating to the priests adverted to; did you hear that part read?—Some leading paragraphs in it.

12439. Some leading parts in it?—Yes.

12440. You say that when Mr. Moore spoke from the house, it was not in the room of Mr. Palmer, in a room that he had for the purpose?—It was a room that I had for commercial gentlemen, and people coming into the house; it was a reserved room that I had for commercial gentlemen, and people coming into the house.

12441. For commercial gentlemen?—Yes.

12442. The room was used for that purpose?—Yes.

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12443. Only?—Only.

12444. I believe that Mr. Moore only lives about seven miles from Castlebar, does he not?—Seven or eight miles.

12445. Does Mr. Jordan use your hotel when he comes in?—He does.

12446. And Mr. Sheridan?—Yes.

12447. How far does Mr. Sheridan live from Castlebar?—He lives in the town.

12448. Is Mr. Sheridan a man of some property?—He is; his property is about three miles.

12449. *Committee.*] You are not aware of any subscription having been made in the chapel for the Moore indemnity fund?—I am not aware of it.

12450. Do you think you would have known it, if you had been in the chapel on the same day?—I think I would have heard of it.

Mr. *Francis O'Donnell*, called in; sworn, and Examined by Mr. *Buchanan*, as follows:

Mr. *F. O'Donnell.*

12451. WHERE do you live?—At Dockmough.

12452. In the county of Mayo?—Yes.

12453. Are you in the employment of Sir Roger Palmer?—In the employment of his agent.

12454. *Committee.*] In what capacity?—Clerk; writing clerk.

12455. Mr. *Buchanan.*] Did you take any part in this last election?—Yes.

12456. In favour of whom?—In favour of Mr. Palmer and Mr. Moore.

12457. *Committee.*] What is the agent's name?—Mr. Ormesby.

12458. Is he Captain Palmer's agent, or Sir Roger Palmer's agent?—Sir Roger Palmer's agent.

12459. Along with the situation which you fill under Mr. Ormesby, do you farm yourself?—I do.

12460. Did you canvass at the last election?—I did.

12461. What baronies did you canvass?—Barazune and Tiraughlea.

12462. Were you at the nomination in Castlebar?—I was.

12463. What state was the town in that day?—There were a good many people in it.

12464. I mean as to its being quiet or otherwise?—I did not see a blow struck on the nomination day.

12465. Did you see any violence?—No.

12466. Now, have you seen many other elections at Mayo; have you been at many other elections in the county of Mayo?—I have been at two or three others.

12467. Comparing this with the other elections which you have seen at Mayo, was this a quiet or a noisy election?—Certainly the last was the quietest I ever saw.

12468. Did you happen to be injured yourself at a former election?—Yes.

12469. I believe you were beaten considerably?—I was.

12470. Now, after the nomination did you go to Tiraughlea?—Yes.

12471. Where did you go from Tiraughlea?—Crossmolina.

12472. That is some few miles from Ballina?—Yes; some six miles.

12473. Did you go into Ballina?—I did.

12474. On the Monday?—Yes.

12475. Did you go into the polling-booth?—Yes.

12476. Was that the only polling-booth open in the town of Ballina?—Yes.

12477. Can you tell me how many voters there are in that barony?—I can.

12478. Just mention the number; have you got the printed list?—I have; 535 is the number on the printed list, I think.

12479. That is the number on the printed list?—Yes.

12480. We will come to that by and by again; did you continue in the booth during these two days?—I did.

12481. Did you assist having the men polled?—I did.

12482. Who was the sheriff in that booth?—Mr. Edward P. Macdonald; and part of the second day.

12483. Was he relieved on the second day?—Yes, at about a quarter past ten o'clock.

12484. And

12484. And who acted on the second day?—Mr. Burke.

12485. Dr. Burke?—Yes.

12486. Now, during the first day did you observe the conduct of the deputy sheriff?—I did; we complained repeatedly of it.

12487. Why did you complain of it?—Because we said that he was not giving us the same advantages as the others.

12488. Not the same?—No.

12489. Do you mean in polling your voters?—Yes.

12490. Well, when voters came up for Colonel Higgins, did you receive every facility?—We did so.

12491. What was it?—When Colonel Higgins' voters were called, there was some little time given for the purpose of bringing them up.

12492. When voters for Mr. Moore and Captain Palmer were called, was any time given?—If they did not appear at once, he called another name.

12493. In the case of calling a voter, if he should not answer immediately, is the consequence that he is thrown out of the polling till the list is gone through?—Yes.

12494. Is that the way they take the poll in Ireland?—I have seen it taken in another way too; but on this occasion it was taken in alphabetical order.

12495. Mr. *Buchanan.*] Did the sheriff begin at No. 1 on the poll?—Yes.

12496. And called them on numerically to the end of the poll?—Yes.

12497. And then began again?—Yes.

12498. You have a list there, have you not?—I have.

12499. Now, then, suppose No. 20 called, and he did not answer immediately, would No. 21 be taken, and No. 20 not called again till the whole 520 had been gone through?—Yes.

12500. Did you hear the questions put to voters; the question, according to the Act of Parliament, by the sheriff?—I did.

12501. And the oath?—Yes.

12502. Did you hear the sheriff make any observations to Colonel Higgins' agent with reference to swearing the voters?—Yes.

12503. What was that?—He repeatedly asked Colonel Higgins' agent, "Do you wish the questions and oath to be put to the voters?"

12504. Did he volunteer that?—The sheriff?

12505. Yes?—Yes.

12506. Did he wish the questions to be put; was that to Mr. Palmer's voters?—Yes.

12507. Did he make the same observation to Mr. Palmer's agent when Colonel Higgins' voters came up?—No.

12508. Did he say anything as to the oath being ——?—Yes.

12509. Was that as to whether he wanted the questions to be put?—In several cases he asked the agent, "Do you wish the oaths to be put to this man?"

12510. That, I presume, caused delay?—Yes.

12511. How was the oath put; did he require the voters to repeat it after him?—Yes.

12512. Now, during the first day did the sheriff stop the poll?—He did.

12513. For any length of time?—I think about 15 minutes.

12514. Had you voters in the booth ready to poll during that time?—Yes.

12515. Had you during these two days of the polling voters in the booth ready to poll?—Yes.

12516. Continually?—Yes.

12517. At the close of the poll do you remember a voter being on the table?—I recollect a voter coming up to the table when the poll was closing.

12518. He was on the table then?—Yes.

12519. Were the oaths put to him?—The oaths were put to the last man who voted.

12520. When did he take the vote of that man who was on the table?—He took the oath, or he took the vote of the last man; but I thought you alluded to another man who was coming up, and who wanted to be polled, and was not polled.

12521. Was there another man coming on the table to be polled when he declared the booth closed?—Yes.

 12522. *Committee.*]

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12522. *Committee.*] On what day was this?—On the second day.

12523. What do you mean by coming on the table; was the voter in the booth?—The man made an application sometime before the closing of the booth to be polled, and the sheriff would not grant it; and then his time did not come on until the booth closed; consequently he could not vote.

12524. At what time in the day was the vote refused?—The vote was refused I should say about three o'clock; he made an application out of order to the sheriff to be polled, because several did, and were polled, and this was refused; and then this man did not poll afterwards, although he remained in the booth till the booth closed.

12525. Was the man coming up that the learned counsel alluded to?—He alludes to the booth closing.

12526. Was it before or after four o'clock that the vote was refused?—When the booth was closing, they differed as to whether it was four o'clock or not; the sheriff said it was, and others in the court said it was not.

12527. You do not know, of your own knowledge, whether it was before four o'clock, or after four o'clock, that the vote was refused?—We said it was after four o'clock.

12528. But you do not know whether it was or was not?—I do not know; we had a dozen watches out, and they all differed as to time. The sheriff called them out in alphabetical order, and in some cases the parties applied to the sheriff to be polled out of order, and this was acceded to at once.

12529. Some parties were admitted, and this man was not admitted?—Yes.

12530. Mr. *Buchanan.*] Does Sir Roger Palmer's property lay in the Barony of Tiraughlea?—A great deal of it.

12531. Has he many voters on his estate?—Yes.

12532. Have you at other elections seen the poll differently from being called in alphabetical order?—Yes.

12533. Have you seen the poll taken by tallies?—Yes.

12534. Two or six at a time?—I remember it being taken by five at a tally.

12535. But on this occasion the sheriff commenced and called them alphabetically from beginning to the end?—Yes, he called them alphabetically.

12536. Did many of the voters who voted for Mr. Palmer vote for Mr. Moore?—Yes.

12537. At the time that the poll closed on the second day, had you voters to poll?—We had the man I alluded to, and on inquiry I was told that there were several others.

Mr. *O'Malley.*] Do not tell us what you were told.

12538. *Chairman.*] Do you know of your own knowledge?—No, not beyond the one.

12539. Mr. *Buchanan.*] Are you able to speak, from the state of the list, and your knowledge of the barony, whether there were people unpolled on that day? I will ask you generally; were there voters unpolled in the barony?—Yes.

12540. And were there voters there ready to poll either Mr. Palmer or Mr. Moore?—I will not say beyond one; I say what I heard.

The *Chairman* stated that it was important that the Committee should know whether the mode of taking the poll in the present case applied to the other booths as well in the county of Mayo.

Mr. *O'Malley* stated, that it would be found that the poll was taken everywhere in a way that was arranged between the agents on both sides, the same as it was at all contested elections.

12541. Mr. *Buchanan.*] Are you aware now that from the Act of Parliament, where 500 names are in a barony, that a second poll should be opened?—Oh, I am not aware of what the law is.

12542. Are you able to say, yourself, from what occurred in the Tiraughlea, that the sheriff began with the letter A, and followed on?—Yes; I am satisfied of it, and I will tell you when the first calling of the list was over too, for I took a note of it.

12543. Who was the first man on the list?—He commenced at No. 1.

12544. *Committee.*]

12544. *Committee.*] Was the poll taken alphabetically throughout the election?—Yes, in this booth it was.

12545. So that if the man's name was Wilson, he could not vote until the letter W was come to?—Yes; he commenced with No. 1.

The *Chairman* stated that the learned counsel was giving evidence with respect to this particular booth, but that the Committee wanted information with respect to the practice that prevailed at the other booths.

12546. Mr. *Buchanan.*] You have answered the question already, but I will ask it again; if a person in letter C did not answer when his name was called immediately, he would have to stand by until the whole list was gone through?—Yes.

Cross-examined by Mr. *O'Malley.*

12547. Had Mr. Palmer a law agent attending at Ballina for him?—Yes.

12548. What is his name?—Mr. Paget Burke and Mr. Robert Mosson.

12549. Two?—I cannot give you this of my own knowledge.

12550. Did they make the arrangements for the polling of the voters?—I cannot tell you.

12551. You had nothing to do with the previous arrangements between the agents?—No.

12552. You were not an agent there, except for the purpose of bringing up voters from the place from which they went to the poll?—So far as an appointment went, I was no agent.

12553. But you brought up voters from the neighbourhood, I suppose?—Yes.

12554. You brought them to the committee-room?—Yes.

12555. And then you conducted them, as you were directed, from the committee-room to the polling-booth?—Yes; by the arrangement made, we brought our voters into the court-house; but if they had been polled by tallies it might have been necessary to go to a committee-room; but when I got into the court-house I remained there.

12556. How many voters did you take up to vote at a time?—I could not send any, because they were called in order. They were called in order, and then whatever man answered when his name was called, he was the man that was to vote.

12557. Are you aware that that was arranged between the agents there?—I did not hear it.

12558. You heard no complaint made that they were called to order?—If you wish it, I will tell you; I wanted to know, before the election, what the arrangements were; and I was told by Mr. Mosson that the usual way was, to poll by tallies; and that if the agents did not agree, the sheriff would poll them in the way I have stated; he said that was the usual practice; but what was done in this case I do not know.

12559. If the agents did not agree, the sheriff would call them alphabetically?—That he told me, but I do not know it.

12560. If the agents did not agree, the sheriff would call them out in that way?—The agent I alluded to said that was the practice.

12561. He told you that the practice was, that if they did not agree as to the mode of bringing them up, the sheriff should call them out in alphabetical order?—Yes.

12562. Now, you brought up a good many voters, did you not?—Yes.

12563. And they all had the opportunity of voting, except this one man that you speak of?—Yes.

12564. And all did poll?—Yes.

12565. What was the name of the man that you say was coming up and was late?—John M'Ivay; you will find him, I think, 33 on the list.

12566. Now, do you not know that, after the close of the poll, there was a vote of thanks proposed to the man who was presiding as sheriff?—Yes; for the man who presided as sheriff from a quarter past ten o'clock that day, and a vote of censure on the other man.

12567. Who was that?—Dr. Burke.

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12568. Do you mean to say that there was a vote of censure on the other man?—Yes.

12569. Who was that?—Mr. Edward P. Macdonald.

12570. Who proposed that?—I cannot say that; neither the vote of thanks nor the vote of censure was formally proposed; but I heard it proposed that one did his duty fairly, and should be thanked.

12571. Did you hear a vote of censure proposed to Mr. Macdonald?—I tell you that I do not think either was formal. I will not say that either the vote of thanks was a formal vote of thanks, or the vote of censure was a formal vote of censure.

12572. Upon your oath, did you hear, either formal or informal, a vote of censure proposed against the first man?—Not a formal vote of censure.

12573. Either formal or informal?—I heard it said that he had acted unfairly.

12574. That is not the question; I ask you whether you heard in the court-house a vote of censure, either formal or informal, proposed against him?—No; not in that sense, I say.

12575. Then, you heard no vote of censure proposed?—Not a vote proposed.

12576. Then, what did you mean by swearing just now that there was a vote of censure passed?—

Mr. *M. Smith.*] He did not say "passed."

Mr. *O'Malley.*] He did. He said there was a vote of thanks proposed to one, and a vote of censure to the other.

Witness.] If you will allow me, I will explain it.

12577. Certainly; explain anything you like?—You asked me, in the first instance, "Was there not a vote of thanks proposed to the chairman?" I said, "There was;" but if you mean by that that it was formally proposed, I say it was not; I said there was.

12578. Your answer was, that there was a vote of censure proposed to the man who occupied the chair from half-past ten o'clock, and a vote of thanks to the other man; those were your words?—If you wish it, I will give you the best explanation I can upon the subject.

12579. You have given the explanation two or three times; now what is the explanation?—You asked me if there was a vote of thanks proposed; I said there was; what I meant by that was this: that there was a cheer called for Dr. Burke for having discharged his duty properly, and that was responded to; and when that was over, when it subsided, there was a groan called for Mr. Macdonald, inasmuch as they believed he had not discharged his duty fairly.

12580. Who was the person who called for the groan for Mr. Macdonald, or that stated publicly that he had not discharged his duty?—I cannot give you the name of the party who called either for the groan or for the vote of thanks.

12581. Do you not know that the vote of thanks was proposed by Colonel Gore, and put to the meeting, and carried?—I cannot say.

12582. Will you swear that it was not?—It might have been, but I do not know it.

12583. You say that you cannot tell me who proposed a groan for Mr. Macdonald?—I tell you that I cannot.

12584. Will you swear that at that time, after Colonel Knox proposed the vote, that there was a groan for Mr. Macdonald?—I do most positively.

12585. Was it called for from the platform?—I do not know the individual that proposed either the one or the other.

12586. Now, you yourself have been rather active at this election, have you not?—I was engaged on it.

12587. And at the nomination you were one of the noisiest in the court-house, were you not?—Well, I answer you that I was not.

12588. Were you not called out to be quiet, and to keep your mouth shut?—I was, by a gentleman who was there; and I am on my oath; and I am very glad to see that gentleman here, though he is not looking at me. I am very glad of having the opportunity of explaining it upon my oath. Sir Richard O'Donnell called me to order, and he at the same time called me a blackguard,

or

or something to that effect. I did not make a noise; I did not call out; nor did I disturb the meeting on the nomination-day, either by voice or gesture. Mr. *F. O' Donnell.* 9 July 1857.

12589. Had you not a body of your own in the court-house there?—I had not one.

12590. Had you no persons with you?—I was in the middle of a great many, as was every man in the court-house.

12591. Had you not brought a great many in the court-house?—Not one.

Re-examined by Mr. *Buchanan.*

12592. Now, then, will you just take this, which is the poll-book; take that in your hand; just look at the number there; do you see that that begins with letter A? do you see the first number on the list (*handing the polling-book to the Witness*)?—Yes.

12593. What is the first name there?—"Atkinson."

12594. Run your eye over it and see if it follows alphabetically for three pages?—No; they do not.

12595. Do you see one or two exceptions there?—It strikes me that this——

Chairman.] Answer the question first of all.

12596. Mr. *Buchanan.*] Is letter A. followed by letter B. in the beginning?—Yes; I see a letter in B. after A.

12597. Is that B. followed by the letter C.?—Yes.

12598. Now, do you see a letter D. follow that?—Yes.

12599. Then letter F.?—Yes.

12600. Now, with respect to this vote of thanks; was this expression that was made; was that vote of thanks by the persons in the body of the court, or by a special meeting got up for the purpose?—The moment the booth closed, I heard a cheer called for Mr. Burke, for having discharged his duty fairly; and then I heard the other.

12601. Now, did Dr. Burke discharge his duty fairly?—I think he did.

12602. The vote of thanks to Dr. Burke was a vote of censure on his predecessor?—That was what I considered.

12603. Then you heard a groan called for Macdonald?—Yes.

12604. Was that in the body of the court?—I could not tell what individual it proceeded from in the first instance, but it was taken up by the rest.

12605-6. Was there no one moved formally into the chair?—Certainly not.

12607. No proposer or seconder?—No; I did not see that; it could not have occurred.

12608. Now, you say that Sir Richard O'Donnell was complimentary to you in the court-house?—Yes.

12609. Was he very quiet on the bench?—Certainly he made a good deal more noise than I did.

12610. He spoke rather strongly?—He spoke and prompted.

12611. He spoke rather strongly?—He did.

12612. And I believe, proposed Colonel Higgins?—Yes.

12613. *Committee.*] Were you there in the election of 1852; who were you supporting at that time?—Colonel M'Alpin.

12614. The opponents of Colonel M'Alpin were Colonel Higgins and Mr. Moore?—Yes.

12615. You have given us the names of Mr. Palmer's agents. Who were Mr. Moore's agents?—Mr. Egan, I think.

12616. What is he?—Patrick Egan.

12617. What is he?—He is a publican in the town.

12618. And Colonel Higgins's agent?—Colonel Higgins's agents were Mr. M'Andrew and Mr. Kelly.

12619. What are they?—Solicitors.

Mr. *Patrick O'Dowd* called in, sworn; and Examined by Mr. *Buchanan*, as follows:

12620. WHERE do you live?—Swinford. Mr. *P. O'Dowd.*

12621. What are you?—I am in business with my father at Swinford.

12622. What are you in Swinford?—A shopkeeper.

12623. Are you a voter for the county?—Yes.

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12624. How did you vote at the last election?—Moore and Palmer.

12625. Do you remember being in Swinford at the time of the election, outside the hotel where Colonel Higgins's friends were?—I do.

12626. Do you remember Captain Brabazon being there?—I do.

12627. Was he deputy sheriff in the booth?—He was.

12628. Was he speaking to the people from the hotel?—Yes.

12629. Do you remember what day this was?—Wednesday before the election.

12630. Was he speaking to the people from the hotel steps?—Yes.

12631. He was addressing the people from the steps?—He was.

12632. Do you remember anybody shouting for Mr. Moore at that time?—I do.

12633. At the time he was talking?—I do.

12634. Did you see Captain Brabazon do anything?—I did.

12635. What did he do?—

12636. Mr. *O'Malley.*] Was this before he was sworn in?—

Mr. *Buchanan.*] Yes.

The *Committee* decided that evidence could not be gone into of the acts of Captain Brabazon before he was sworn in.

12637. Mr. *Buchanan.*] When did you vote?—I voted on the Monday.

12638. What state was the town then in?—It was quiet.

12639. Was there any particular bustle or commotion in the town?—It was quiet when I went in to vote, as quiet as any other day.

12640. It was?—It was.

12641. No rioting?—No.

12642. Or beating voters?—No.

12643. After you had voted did you see any voters coming up on cars for Mr. Moore?—I did.

12644. Were these from Bohola?—Yes.

12645. They came to the court-house?—Yes.

12646. At the time they came up, did you see anything done by persons in the neighbourhood of the court-house?—I saw a voter dragged off one of the cars.

12647. How many persons did you see try that?—A great number of persons.

12648. And what became of him?—He was dragged into the court-house.

12649. Do you know how he polled?—I do not; I heard he voted for——

Mr. *O'Malley.*] Do not tell us that.

12650. Mr. *Buchanan.*] Do you know his name?—Yes.

12651. What was his name?—Dunlevy.

12652. Well, on the evening of that day, do you remember anything occurring; was there a crowd opposite the hotel?—There was.

12653. Is the hotel opposite your shop?—It is.

12654. Were you at your shop that day?—I was inside, doing business.

12655. Was anything done to your shop or to yourself?—There was a crowd outside the hotel, and they were shouting.

12656. Did they do anything?—The first thing that took my notice was the shouting; and there were stones thrown in through the house.

12657. Through the house?—Yes.

12658. Did you go outside?—There was one man inside that took one of the stones and threw it out again; and I told them not to throw any stones, or attempt to throw any stones out of the house. I then went myself and another young man to put up the shuts.

12659. Did any person come up to you, and attempt to assault you;—There was a man in the street, and he had a stone in his hand, and he was shouting.

12660. What was he shouting?—I could not tell what he was shouting; he was shouting. But a stone was taken from him, and when he lost the stone, when the stone was taken from him, he got a stick, and he came as if he was coming over towards me, and the crowd after him.

12661. Did he attempt to strike you?—I took one of the short bars; I took one of the iron bars out of the window; I turned round, and presented it at him, and he did not come any further.

12662. You saved yourself by taking up the iron bar?—Yes; I turned round and

and I presented the iron bar, and he did not come any farther, nor did any of them. Mr. *P. O'Dowd.*

12663. Did you see Mr. Charles Strickland that day?—I did. 9 July 1857.

12664. The agent of Lord Dillon, I believe?—Yes.

12665. Did you see him bring any voters into the town?—Not that day I did not.

12666. Did you on any day during the election?—I did on the Sunday.

Mr. *Patrick Staunton*, called in, and sworn; and Examined by Mr. *Karslake*, as follows:

12667. YOU are a farmer and publican living in Swinford?—Yes. Mr. *P. Staunton.*

12668. And I believe you are a voter for the county?—Yes.

12669. And you voted at the last election for Mr. Moore and Mr. Palmer?—No.

12670. Colonel Higgins and Mr. Moore?—Colonel Higgins and Mr. Moore.

12671. I will pass by what Captain Brabazon said to you; were you in the town of Swinford during the election?—I was.

12672. Were you near Mr. Higgins's hotel at any time when some water was thrown out?—I was.

12673. By whom was that water thrown?—By a servant in the hotel.

12674. Who was it thrown at; who was passing at the time?—Mr. Moore.

12675. Did you hear Mr. Moore hooted at all when he was in the town?—I did.

12676. By whom?—By Colonel Higgins's mob.

12677. What was Mr. Moore doing at the time that they hooted him in that way?—He was walking near the hotel.

12678. On what day was this; do you recollect; was it during the election or before the election?—Before the election.

12679. Did you see the mob do anything to one of the voters?—I did; but not to a voter.

12680. Not a voter?—No.

12681. Who was the person that you saw the mob do anything to?—He was a tenant of Mr. Palmer's.

12682. What did they do to him?—Strike him.

12683. Was that the same mob that had hooted Mr. Moore when he was in the town; did you know the man?—I did.

12684. I believe Mr. Curran was magistrate in the town while the election was going on, was he not? did you know Mr. Curran, the magistrate?—I did.

12685. Do you know Father Ivers?—I do.

12686. Did you see him at one time with Mr. Moore, when Mr. Curran came up to them?—I did.

12687. Were you there near Mr. Moore?—I was.

12688. Did you see any violence on the part of the people who were with Mr. Moore?—Noise?

12689. Noise?—Yes.

12690. Did you see any blows struck?—No.

12691. No?—No; not at that time.

12692. Had Father Ivers anything with him?—He had a small rod in his hand; a cane.

12693. What sort of a cane was that?—Just a small rod; a riding rod; a cane.

12694. About how thick should you say it was?—It was a very thin rod.

12695. Was that what you call in Ireland a shillelagh?—No, he did not carry it that day.

12696. He had got a small rod in his hand?—He carried a small rod in his hand.

12697. At the time that Mr. Curran was speaking to Mr. Moore did you see him strike any of the people?—No.

12698. Did you see him make any motion towards them?—He did.

12699. What did he do?—To keep them away, and to be quiet and peaceable.

12700. Did you see him strike them over the heads with his stick at all?—No, I did not see him have a stick to strike them.

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12701. I am talking of the particular time when Mr. Curran was speaking to Mr. Moore in the town; is that the time you were speaking of?—No, it is another time I saw him.

12702. Did you see Mr. Curran speaking to Mr. Moore?—No.

12703. Did you see him near him?—I did not see him speak to him.

12704. But did you see him near him?—Yes, he was at the hotel.

12705. Well, were you in the town during the election?—I was.

12706. Well, how did the election go off?—I think it was very quiet; it is 25 years I was at elections, and I never saw a quieter election since up to this.

12707. You have never seen a quieter election during all that time?—Never.

Cross-examined by Mr. *O'Malley.*

12708. Well, you say he did not carry a shillelagh that day?—I did not see it.

12709. What sort of a shillelagh does he carry sometimes?—Well, I do not see him carry such a thing at all.

12710. What did you say "that day" for; you said "that day;" does he ever carry a shillelagh?—I never remarked him carrying it.

12711. You never remarked it?—I never saw it.

12712. Will you swear that you never saw him?—Carrying such a stick as you mean?

12713. Yes. You have a son preparing for Maynooth, is he not?—I have a son at school.

12714. Preparing for Maynooth is my question?—I believe so.

12715. That is so?—Yes.

12716. You expect him sent to Maynooth?—Yes.

12717. To be made a priest of?—It is more than I can tell.

12718. Oh, but you expect him to be made a priest, do you not?—I would be glad of it.

12719. I hope you do not teach him that way. Are you educating him, or getting him educated, to be a priest?—Yes.

12720. You are?—Yes.

12721. And preparatory to his being a priest, he is to go to Maynooth, I suppose?—I suppose so.

12722. Dean Durcan or Mr. Ivers is it that is to get him into Maynooth?—Dean Durcan is the parish priest.

12723. Is it Dean Durcan that is going to get him into Maynooth?—Yes, he is the man that is to do it.

12724. Now that we know where you son is going, just tell me about how big was this cane?—It was not big.

12725. How big?—A small rod.

12726. What you call a small rod?—A penny or twopence worth; I would not be certain which.

12727. About as thick as your thumb?—It was not quite.

12728. Did you measure it?—No.

12729. Was it as thick as your finger?—No.

12730. Was it as thick as this pen?—It was thicker.

12731. Well, you say that you did not see him strike any of the people over the head?—No, indeed.

12732. Do you mean to say he did not tap them with this little cane?—He might do it in a way of keeping them back.

12733. He might do it in the way of keeping them back?—Yes.

12734. A gentle tap?—I did not see him doing any harm with it.

12735. But a gentle tap to keep them back?—He might do it; but I did not see him.

12736. Well now, did you not see it yourself?—I did not.

12737. Well now, you were not there at all events, I understand you, when Mr. Curran was speaking to him?—I often saw him speaking to him during the two days.

12738. You told us that you were not present when Mr. Ivers was speaking to Mr. Curran?—Maybe it is not that time, I saw him once speak to him.

12739. What day was that?—It was before the election and after the election I used to see him.

12740. That

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12740. That would be twice; which is the first time; was it not the day the water was thrown over him? —Indeed I am not sure now.

12741. Can you say whether you saw him speaking to Mr. Curran the day the water was thrown over him?—I cannot; I saw him once, but I cannot say whether it was the day the water was thrown.

Re-examined.

12742. You say that your son is being educated a priest?—Yes.

12743. Does he require to pass an examination at all in order to get into Maynooth; has he to pass any examination in order to get into Maynooth?—He has.

12744. And if he can pass, do you hope to get him there?—Certainly.

12745. Did you see Mr. Ivers more than once?—I did.

12746. On more than one day?—I did.

12747. During the election?—I did.

12748. Did you ever see him with a thick stick in his hand at all during the election?—No.

12749. He had this small penny cane with him whenever you saw him during the election?—He had that one day.

12750. Is that what you call a riding switch?—A small rush switch; a small cane.

Mr. *Frank Sweeney*, called in; sworn, and Examined by Mr. *Karslake*, as follows:

Mr. *F. Sweeney.*

12751. YOU live at Pobranny, in the county of Mayo?—Yes.

12752. Are you a voter there for the barony of Baresule?—Yes.

12753. Now, in the last election do you remember the day before the polling leaving your house for the purpose of going to poll?—Yes.

12754. Was that on the Sunday?—Yes.

12755. How far are you from Castlebar, or how far do you live from Castlebar?—I am 17 miles from Newport, and nine miles and three quarters on to Castlebar.

12756. *Committee.*] That is 27 miles?—Yes.

12757. Mr. *Karslake.*] Those are Irish miles?—Oh! I don't know.

12758. Well now, on the Sunday you started to go to Castlebar?—Yes.

12759. Did you go one on of the cars?—Yes.

12760. Now then, when you reached Newport, on your way to Castlebar, did you meet Dennis Sweeney?—Yes.

12761. Who were you going to vote for?—I was going to vote for Mr. Moore and Palmer.

12762. Then you and Dennis had a little talk about voting?—Yes.

12763. I must not ask you what he said. Now then, when you reached Newport Pratt, what time in the evening was it?—It was late; I do not know; between eight and nine o'clock, so far as I understand, but it was very late; it was after sunset anyhow.

12764. Did you meet anybody at Newport Pratt?—Yes; I did some of them; a quarter or half a mile out of Newport I met the first party.

12765. You met the first party?—Yes.

12766. How many were there of the first party?—It was about five or six.

12767. Now then, when did you meet the second party; I suppose you met the second party?—Some of those that went up by the car; the priest was sitting in the car; one David M'Hale, one of the first men, got up in the car, and took the reins of the car from the driver, and then the priest struck him different times, and put him down back again, and he went to fustle when he got down.

12768. Who was the priest?—The Rev. Father Nicholas, a parish priest

12769. Was he travelling in the same car with you?—Yes.

12770. You say that there was a man called M'Hale also?—Yes; another freeholder, David M'Hale.

12771. What did they do?—They jumped up on the car.

12772. You say that they jumped up on the car, and that they were put down again?—Yes; the priest put him down, and gave him two blows of a stick.

12773. Now, what did they do then?—He went to fustle; he went fustling for more help.

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12774. "Fustling," that is whistling?—Yes.

12775. Was there a second car there besides your's?—Yes, there is two other cars.

12776. After whistling, what took place then?—We went a good file then, till when they came to Tinker-street, in the mouth of the town of Newport, very nearly at the back of the town.

12777. Now when you got to Tinker-street, what happened?—A great number of people, I do not know how many hundred, came round, and saying, "Here they are to-day;" they shouted that out.

12778. They shouted that out?—Yes, they did; and they brought I don't know how many carts before the cars in the road, and in the cars, or any man could not get out across the road; I do not know how many they were, but they brought so many that I do not know how many; it is not in my mind now.

12779. Well, that stopped the cars from going on?—Yes; we could not go on any further.

12780. Now, then, what did the people do who were there?—They came round me there, and I got out, and the priest, he is a lame fellow, he was laming, and he took his hand to get him down; and I was creeping to get out of the mob; I was entreating them to let me go; I wanted to fly away from them one way or another; but I could not, but they came all round; I think there were six times more.

12781. Where was Mr. M'Hale all the while?—He was taken away; he went in another direction, and was taken away by another party, and I do not know what was done with him for about half an hour afterwards.

12782. M'Hale was taken off in another direction, and you did not see him till half an hour after?—No, but he came to me; they brought him with another party to where I was, and there was a file after that.

12783. Now, then, were you taken by the mob?—Yes.

12784. Where?—They took me to another Sweeney's house; to a public house.

12785. When you got to Nicholas Sweeney's, what happened?—They took me to Tony Sweeney's.

12786. Very well; were the mob with you there?—Yes; as much as the house can carry; but they had no place in the house.

12787. There was no place to carry you?—No, there was so much in it; but as much as they could stand in the house was standing up.

12788. Now, did you meet your friend M'Hale there?—A man striving to get inside struck me; one of the mob came in, striving to get inside, and he struck me; and Tony Sweeney, says the owner of the house, if he had struck me, he would be very sorry for it; he would not allow any man to beat me.

12789. Were you taken there?—Yes; I was taken to George O'Donnell's house.

12790. That is a son of Sir Richard O'Donnell?—Yes; he was the sheriff before Mr. Higgins.

12791. That is Mr. George O'Donnell?—Mr. George O'Donnell.

12792. Was Mr. M'Hale taken there?—Yes.

12793. How many took you there?—No man living could count them at that hour of night, or any time, if they had time to do it.

12794. How do you mean no man could count them at that time of night?—No, not at that time of night; if it was clear, they could not do it.

12795. What time of night was it?—I do not know.

12796. About what time?—I think it was after 10 o'clock, as far as I understand; they were walking with me the full of the street.

12797. You say that you could not count them in the day time?—No, without you got them to do it themselves.

12798. Do you mean by that, that there were a good many?—Oh, yes.

12799. Did they take M'Hale to this house?—Yes.

12800. What did they do with you there?—When I went into the house, they were drinking, and dancing, and playing.

12801. What, on Sunday night?—Yes.

12802. Who were there?—Oh, there were a great number of those voters that were staying with Sir Richard O'Donnell at Castlebar; I know some of them myself.

12803. Was Sir Richard O'Donnell there at the time?—Yes; and his gate-keeper was there, and the first thing he did was, he struck me on my head.

12804. You

12804. You say that Sir Richard O'Donnell was there?—Yes.

12805. Was Mr. George O'Donnell there?—Yes.

12806. And the other son?—Yes.

12807. What is his name?—Captain Richard.

12808. Mr. William Pike, do you know him?—Yes.

12809. Was he there?—He is only a mile off my own house.

12810. But do you know him?—Yes.

12811. Is he a magistrate?—Yes.

12812. Were they all there?—Yes; and another man, a Mr. Biggart.

12813. You say that besides those, there were some other gentlemen voters there?—Yes; as much as the house carried, but they did all they could to strive to make places for them; they were dancing, and drinking, and playing.

12814. How many were there?—I could not say; the whole mob was with me, as much as the house would carry.

12815 You said that you went into the house, and found them dancing and drinking?—Yes.

12816. Now tell us what happened to you when you got into the house?—Sir Richard O'Donnell came to me and offered me drink. I think I had enough taken at my own place, and that I could not take any more.

12817. You say that Sir Richard O'Donnell offered you drink?—Yes; then he asked me the different spirits; would I take a glass of spirits, or a glass of what? what other kind of thing. I refused to take any; he told me then that there was no harm in me to take a glass of wine, that would not hurt me. I said if I knew that, I had no objection to drink.

12818. As you did not think the wine would do you any harm, you had a glass of wine, is that it?—Well, I did not know; I did not practice drinking wine.

12819. As you had never tried it till then, you wanted to try what effect it might have upon you?—Yes.

12820. Did they ask you to do anything; did Sir Richard O'Donnell ask you to do anything?—He got greatly vexed with me without I would go; he wanted me to go and vote with him and Mr. Pike; he wanted me to go and vote for Mr. Higgins.

12821. That is Sir Richard O'Donnell?—Yes.

12822. Was Mr. Pike there at the time?—Yes.

12823. What did he say?—He was talking about the same; he said he was the first gentleman that called for my vote this year.

12824. What did you tell them?—I told them I was not in a hurry with my vote yet; that is the answer I gave them, about 15 days before that.

12825. But what did they say?—I said, wherever Lord John Brown goes, I would go there; that if he would bring me to Sebastopol, I would go there to-night.

12826. That you would go with Lord John Brown?—Yes; Sir Richard told me he would go with Lord John Brown, and he said I ought to go with all the rest of the Sweeneys, and go with them.

12827. How long did Sir Richard stay there?—He is a good while in it; I do not know.

12828. Now, then, what became of you afterwards?—After what?

12829. After this, what became of you that night?—When we were in the house, striving to get away, I got a blow from the gatekeeper; I state that to you; that is the first thing that the gatekeeper did. He belonged to Sir Richard. His name is Murray, but I do not know his right name; but he struck me on the head two or three times, but I was striving to stand in some corner. I said I would be very glad for some of those Sweeneys to stand near to me; I was afraid.

12830. I wanted to know what became of you after you had been in the room for the night, where they were dancing and drinking?—Well, I wanted to get out.

12831. Did you succeed in getting out?—I was in a corner, but I wanted to get out (I beg your pardon, gentlemen) to draw water; but John O'Donnell had the key in his hand and opened the door for me in the house, and he told me that I could not go out, but that I can draw my water where I was.

12832. What became of him?—Whether he followed me when I was going to draw my water or not, I cannot tell.

 12833. You

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12833. You say that he put you into this room, of which he had the key; what became of you then?—He brought me out of the room then, and told me I should not go out at all.

12834. Where were you put that night?—I was the whole night there.

12835. Where?—In the corner; myself and M'Hale watched one another.

12836. You and M'Hale were watching one another?—Yes; and we were very glad to see the day come that we might get to Castlebar. I was thinking that Sir Richard O'Donnell himself might bring me to Castlebar, and then I might vote for who I liked.

12837. Did you get out?—No.

12837*. How was that?—When he had the key in his hands and locking the doors, I was anxious to get out; I did not know whether I would get out. I was a strange man in the place; and if there was any door open, I wanted to get out.

12838. You say that you were very glad when it was morning?—Yes.

12839. When it was morning what happened?—The morning after?

12840. Yes?—Just about the dawning of the day this O'Donnell opened the door, and let me out; it is not two or three perches from the hall door; five men were there, and took me by this coat, which they tore along here, and they dragged me; my coat was torn by their dragging me in, and I was doing the best I could with my leg, this way; I tried to make people hear me to relieve me.

12841. You say that five men were doing this?—Yes.

12842. Who were they?—Tom Cain is one of them, Mr. George O'Donnell's servant boy; that is what they told me.

12843. Who else?—Pat Macdonald.

12844. Who is he?—He is some relation of O'Donnell; and Jack Burke, and one Heston, and John Flynn.

12845. Where did they take you to?—I was doing my best, thinking they might get tired of me, and let me go; I had done my best till they pulled hold of my hand, and then two or three were over me; I got my wrists very sore, and I took myself very easily, and this man came down and struck me, and Lord John Brown saw the condition I was in; I was greatly cut here, and on my eyes; I could not see a ha'porth.

12846. You say they took you by the arms, and took you somewhere else?—Yes.

12847. Where did they take you to?—They brought us away to a boat.

12848. Did they take you down to a boat?—It was Mr. George O'Donnell's boat.

12849. When they got you into the boat, where did they take you to?—To this island.

12850. How far is this island?—I cannot say.

12851. There were five men?—Yes; these four men and the other freeholder.

12852. This was on the Tuesday?—No, on the Monday.

12853. They took you out to an island, you say?—Yes.

12854. What did they do with you when they got you there?—Well, they kept me there; I was there, and it began to rain.

12855. When they landed you on the island, did the boat go away?—No, she was there watching me, and the five men.

12856. They kept a watch over you and M'Hale?—Yes.

12857. And you say that it then began to rain?—It went to rain, and I was wet to the skin; and I was so wet that it rained down between my legs and my skin; I got very wet and very ill; I never slept out so far, as I understand, for the last 30 years since I was a young man.

12858. You have never been in the habit of sleeping out?—No.

12859. But you did sleep on the island that night?—No, I could not sleep; I did not sleep; I was thinking; I was striving to get away; if they had fallen asleep, I would be very glad of it; I would then be doing the best to let the rope go; I was doing my best to get away.

12860. Were you able to get away in the boat that night?—I could not get away that night, and I could not sleep.

12861. How long were you on the island before they let you back again?—On the Tuesday afternoon. They said they could not let me out till after six o'clock, for they were paid to keep me there, and they could not let me go till about six o'clock or after. I tried to get away in other boats which were coming with

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with manure. I called to them Jesus Christ's name; I offered them a pound to relieve me out of it.

12862. What did the men do who brought you there?—I was going down to the shore; and one of them took stones, and told them to go away; that I was a freeholder or a plumper; they called me different names; and that they would be sorry if they came and the boat came away.

12863. The end of it was that they would not let you go till Tuesday evening?—Yes. In one of the boats there was two women and two men, and I saw another boat with four or five men. I offered them 5 *l.* to relieve me. I showed my pocket-book, this way, to relieve me out of it. I was wet, because I went down into the sea in trying to get into the boat, and one of them came here and turned the boat away again. I said, "If I was strong enough, I would be into that boat."

12864. What time were you in the boat that night?—They said when the hour was six they would go their way.

12865. Did you get back at six?—Well, it was very late; I think it was after six.

12866. Where were you landed?—In the Island of Rossmore.

12867. How far from Castlebar?—They said they would bring me to Tony Sweeney's, back again; and that we would have a funny night; that Sir Richard O'Donnell was to come home, and that Mr. Higgins was to be in the chair.

12868. You landed at Rossmore?—Yes.

12869. How far is that from Castlebar?—It is more than 10 miles from Castlebar; 12 miles from where I landed.

12870. You were too late to vote; you could not vote?—Oh no, I could not vote.

12871. It was too late to do that?—Yes; I could not walk much at all; I got into bed, and slept in a bed in a different house.

12872. Were you prevented by them from voting?—Yes.

12873. You say that there was a second car coming in with you originally?—Yes.

12874. Who was on that?—Mr. M'Cormack on one of them, and Mr. O'Hara; he is an attorney.

12875. What became of them when you were taken away?—I do not know; I think they went through the street.

Cross Examined by Mr. *James.*

12876. You were on a car with the priest, I understand?—Yes.

12877. Who was it?—The Rev. Father Mick Culloch, my parish priest.

12878. Where did you get on the car with him?—With him?

12879. Yes?—The car came to my house just to the hotel, to bring me and those freeholders to Castlebar.

12880. And the priest on it?—No, I beg your pardon; I do not know where he was going, but he was going on a journey; I will tell you the truth. He is a friend of mine, the same priest, and I told him he can come in the car with me.

12881. Where did the priest get on to the car?—At the Sound Hotel, where Mr. Cook was living.

12882. How came the priest to get on the car? What had he got to do with it?—What was that?

12883. What had the priest to do on the car?—I beg your pardon.

12884. Why, you understood that gentleman (*pointing to Mr. Karslake*) very well?—I must understand you, if you want me to give you a fair history.

12885. Now, just sit down; if you will do what you did on the island, I will ask you, what did the priest get on to the car for?—Where he got on to the car?

12886. Yes?—At the Sound Hotel.

11887. But where was he going?—I do not know.

12888. Do you mean to swear that?—Yes.

12889. Did you not know?—No, he is a tenant to Mr. Pike, and I did not ask him where he was going.

12890. Where were you going?—To vote for Mr. Moore and Mr. Palmer.

12891. At what place?—Castlebar.

12892. Who was the priest going to vote for?—I do not know.

12893. Whose car was it?—I do not know; I think it was Mr. Daly's car.

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12894. Was it a car hired for the purpose of carrying the freeholders up?—Well, I suppose so.

12895. Did the priest speak to you, when he got on to the car; you say he was a friend of yours?—Yes; the priest came up.

12896. Now, just attend; do you know where the priest was going to when he got upon the car?—No.

12897. Did he speak to you?—I told him, if he was going to Newport or any part of the way (he came across the ferry; he was in the island; he is laming, he is lame); I told him if he was going further he can sit up in the car, and there was plenty of room for him.

12898. Where was he going?—I do not know.

12899. Was that the same priest that hit the people two blows on the head with a stick?—Yes.

12900. Who did he hit on the head?—One Sweeny, Mick Sweeny; he is a driver to Mr. Kelly in Castlebar.

12901. The priest hit him on the head with a stick; that seems the usual mode of saluting one another, two blows; that is where the gatekeeper hit you?—Yes.

12902. I suppose that excited Mick Sweeny; was Mick Sweeny very angry with the priest?—He went away, and went fustling and calling for the rest of the mob.

12903. Did the priest hit him pretty hard?—What is that?

12904. Did the priest hit him pretty hard?—Not so much, as much not to ail; He gave him two blows, but not so heavy as to hurt him.

12905. You mean he did not kill him?—He did not kill him.

12906. And you say that Mick Sweeny went off and fustled for the rest?—As far as I understand you, he ran before the car.

12907. Whereabouts were the rest of them?—They are not half-a-mile off, as I understand.

12908. Was it then that the people came, so large a quantity that you could not count them?—No, I could not count them.

12909. What became of the priest?—Well, I do not know; we were scattered among all these.

12910. You do not know what became of him at all?—No.

12911. You do not?—No.

12912. You went to Mr. George O'Donnell's house?—No; they brought me to Tony Sweeny's house.

12913. But did they afterwards take you to Mr. George O'Donnell's house?—Yes.

12914. How far is that from Sir Richard's?—The river between them is not much.

12915. The sea is between them?—The river and the sea.

12916. You never were at Sir Richard's house at all that night?—No.

12917. When you went into Sir George O'Donnell's house, were there two officers of dragoons sitting there?—I do not know; but I saw gentlemen sitting there; but I do not know them; it was very near red-haired gentlemen; I do not know who they were.

12918. And two magistrates?—Yes; Mr. Pike and Sir Richard.

12919. Who else were there; were they sitting there after dinner?—There was no magistrate there but Sir Richard O'Donnell and Mr. Pike.

12920. Were there any police officers there?—I do not remember.

12921. And two gentlemen, officers in the dragoons?—I do not know what they are.

12922. Two gentlemen with mustaches?—I saw one gentleman with it, but I do not know what he is.

12923. Did Sir Richard O'Donnell say to you, "Will you have a glass of wine?"—He offered me a glass of spirits before that, and some other different drink; I objected to drink it; I think I had enough of my own taken.

12924. Had they wine before them?—They had not, where I was.

12925. But when you went into this room where Sir Richard O'Donnell and these gentlemen were, was there wine on the table for dinner?—I could not say; I was not watching wine; I was watching myself.

12926. Did you observe that there was wine or bottles upon the table after their

their dinner?—I did not see; Sir Richard O'Donnell went away, and brought the wine to me.

12927. I ask you was there wine upon the table?—I could not say.

12928. Did you say you would like to drink Colonel Higgins' health?—Indeed I had no notion to do it.

12929. Did you say that you should like to drink Colonel Higgins' health?—There is no fear of my saying it.

12930. Did you say it; I ask you on your oath whether you did not say it?—As far as on my oath, I did not.

12931. Will you swear that?—As far as I understand, on my oath.

12932. Will you swear that you did not say to Sir Richard O'Donnell ——?—I tell you——

12933. Do not be violent; all that is put on; will you swear that you did not say to Sir Richard O'Donnell that you should like to drink Colonel Higgins's health; will you swear that you did not say so; just look towards the Committee, and answer my question?—I know that there is Colonel Higgins there, and Sir Richard O'Donnell by the side of him.

12934. Will you swear that you did not say you should like to drink Colonel Higgins's health?—As far as I understand, on my oath I had no wish to do so.

12935-6. Will you swear that you did not do so?—As far as I understand on my oath I did not.

12937. Do you understand what I put to you now?—Yes.

12938. Now, attend; I ask you whether you will swear, on your solemn oath, that you did not ask to drink Colonel Higgins's health?—That I did not ask?

12939. On your solemn oath, did you not ask Sir Richard O'Donnell to drink Colonel Higgins's health?—Did I ask to drink his health?

12940. Yes?—From whom did I ask it?

12941. On your oath, did you say, "I wish to drink Colonel Higgins's health"?—On what occasion; if I was to ask it, who was to go and stop me? cannot I say it as much as any other person?

12942. Do you understand what I say to you?—Yes.

12943. Will you swear that you did not say to Sir Richard O'Donnell, "I should like to drink Colonel Higgins's health"?—On my oath, as far as I understand, on my oath I did not.

12944. Will you swear that?—I will swear as far as my mind and my conscience tells me.

12945. Will you swear that you did not say the words you should like to drink Colonel Higgins' health; never mind what was in your mind; did you not say that you would like to drink his health?—I was so fretting and frightened, that perhaps I might say so; and I am telling you the truth, and giving it you as far as my mind and conscience is telling me; I have no heart to say it, and it is not in my mind to say it.

12946. *Committee.*] What you have to do is to tell the truth?—Oh, yes.

12947. Tell us what you said, and if you did not say that, deny it?—I am saying so; I am doing my best.

12948. Mr. *James.*] Will you swear that?—I do not know, but when I was fretting, I cannot say; I was shaking in this house; a man like me might say different things, and could not understand what I am saying.

12949. Do you mean to say when you were in the presence of Sir Richard O'Donnell, whom you knew, and these gentlemen, do you mean to tell the Committee that you were frightened and shaking in their presence in that parlour?—I was frightened in my mind that Sir Richard O'Donnell —— I did not understand what he meant by it.

12950. Will you swear that when you were in the presence of Sir Richard O'Donnell and Mr. Pike, and the other gentlemen, you were fretting and frightened?—There was another freeholder with me. I got a report in my own house, before I left my own house, that O'Donnell had a mob in Newport ready to take me and all the freeholders with him. My own daughter came to me, and told me to stop at home, and not to go and vote for anyone. She told me there

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was harm to be done to me if I did. My son-in-law was Mick Sweeney, and he says, "You are going, and harm will come to you." He feared I would be sure to be taken in the streets in Newport; and one of the freeholders stopped four miles off from Newport.

12951. Will you swear that in the presence of Sir Richard O'Donnell and Mr. Pike, and the magistrates of the county and the other gentlemen, the officers of the dragoons sitting there after dinner; will you swear that you were frightened in their presence in Sir Richard O'Donnell's house?—I was in the house.

12952. *Committee.*] The question is, whether you were or were not frightened in the presence of Sir Richard O'Donnell?—I was frightened all the way.

12953. Mr. *James.*] Will you swear that you were frightened in the presence of these gentlemen, whose names I have so often repeated to you?—I will swear I was afraid all the time when I was not going to vote for himself. I was afraid the whole of the time that they would not give me any satisfaction.

12954. You knew Sir Richard O'Donnell?—Yes, for the last 30 years, and since he was a little boy.

12955. Have you been in the habit of drawing stones from his quarry; you contract for the roads, do you not?—For the first year some of the tenants gave it to me.

12956. Have you been drawing stones from his quarry?—Yes; I paid fourpence a box for it.

12957. Having known Sir Richard O'Donnell since he was a little boy, for thirty years, will you swear that you were so frightened and intimidated, that if you drank Colonel Higgins' health, it was through fear, in the presence of Sir Richard O'Donnell?—I was afraid of the whole of them when I was not going to vote for them.

12958. Will you swear that if you drank Colonel Higgins's health, it was through fear, you being in the presence of Sir Richard O'Donnell?—I will swear I do not remember it.

12959. Were you drunk?—I was not.

12960. Not at all?—No.

12961. What had you been drinking?—If I was drunk, it was a bad thing for Sir Richard to offer to force to give me more.

12962. Were you drunk?—No.

12963. Had you been drinking?—Whisky?

12964. Yes?—I took drink when I went out.

12965. Had you been drinking whisky that afternoon?—Yes.

12966. How much?—In 24 hours I have a great deal to do in my part of the country, and I am a contractor for the last 30 years.

12967. How much had you that afternoon?—I was not drunk.

12968. How much whisky had you during the day?—It is not counting all day all we are drinking.

12969. How much whisky had you during that night?—I drank a glass of punch after my dinner, at the Sound.

12970. How much whisky had you during the day; you started from your home; what did you have then?—I was bound for 12 months; I was not to drink more than one glass, in 24 hours, of punch, and two of whisky; I was bound on my oath to that.

12971. Are the 12 months expired; are you still under that pledge; does that include ale and porter?—Indeed, I do not make any objection to that; I do not swear against porter; I do not take my oath against porter.

12972. You were not limited to ale and porter?—Well, indeed, if I do not want to drink, it is little I care for it.

12973. But ale and porter is not limited like the punch was?—No.

12974. But when you met it, you took it?—Not if I do not want to drink.

12975. Now, who took you to this island?—Those five men.

12976. Who were they?—The neighbours that came down; their names I could not know, their proper names, at the first time when I was brought to Castlebar to swear against them.

12977. When

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12977. When were you brought to Castlebar?—A driver that belongs to Mr. Palmer; he is their neighbour.

12978. When were you taken to Castlebar to swear against them?—I went to see the magistrate.

12979. When was that?—The last day of the election that the Member of Parliament was there and the other gentlemen; I think it was on Friday.

12980. When?—I was there when the sheriff was reading all the books, and all the freeholders were there.

12981. When was that?—Friday.

12982. You say that these men took you to the island?—Yes, I was swearing against them. I told them on the island that if they did not let me go as far as my conscience, if God gave me my health, I would follow them by law. I told them that God, if he gave me health, for the sake of my wife and family, I would punish them by law.

12983. You passed the night at the island?—I did.

12984. You say that the gatekeeper struck you?—That is in Mr. George O'Donnell's house.

12985. What did you say to the gatekeeper that caused him to strike you?—To tell the truth, I did not do much; I only put out my hands to save myself.

12986. Did the man strike you without any cause at all?—When I was not going to vote for Colonel Higgins.

12987. The gatekeeper struck you?—Yes; and he smashed my hat.

12988. Who was with you?—David M'Hale was with me.

12989. Who else?—The mob in Newport.

12990. How far is Mr. George O'Donnell's house from Newport?—We call Newport to be the whole place.

12991. How far is the house out of the town; do you understand my question?—It could not be more than a quarter of a mile, as far as I understand, on my oath.

12992. Now, after you left the room where these gentlemen were sitting, did you see Sir Richard O'Donnell at all that night?—I could not say; he was arguing with me. He offered me tea and something to eat, and I was doing the best for myself.

12993. Will you swear that you saw Sir Richard O'Donnell after he was in that room, and the conversation about the glass of wine to drink Colonel Higgins's health?—He brought me the wine.

12994. Will you swear that you saw Sir Richard O'Donnell after you saw him in that room?—I am not swearing that.

12995. Did you see Mr. George O'Donnell afterwards?—I do not know what they had done.

12996. Will you swear that you saw Mr. George O'Donnell afterwards?—I cannot swear that; indeed, I was taking care of myself; I was striving to keep away from them. The people were drunk.

Re-examined by Mr. *Karslake.*

12997. You told them when you were on the island that you would follow them, if God gave you health, and punish them?—Yes, and punish them by law.

12998. Did you go to the magistrates about them?—I went to Lord John, and the doctor came.

12999. Were you hurt?—Oh, the doctor came; but I do not know who he is; but it is a doctor, I heard.

13000. Were you hurt?—Was I hurt?

13001. Yes?—Oh, Lord John saw me; my eye was closed, I could hardly see; it was cut and black; no one knew me then that knew me before.

13002. Did you go before the magistrates on the 10th of April?—I went on that Friday to Castlebar.

13003. How long was Sir Richard O'Donnell in the room where you were?—An hour; himself and Mr. Pike, and his two sons.

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13004. As far as you recollect, he was there an hour?—Yes; it may have been for that.

13005. You say that you were frightened?—Oh certainly.

13006. I do not ask you what you heard, but before you came in to vote, had you heard something about a mob being there to meet you?—Yes; my daughter came to me to stop at home, and not to go and vote for anybody.

13007. Were any of the mob that came to you to Sir Richard O'Donnell's, did they come into the house?—Yes; into Sir Richard O'Donnell's house.

13008. Were they in the room where Sir Richard O'Donnell and the young O'Donnells were?—Yes.

13009. Now, as regards the priest, was that an accidental meeting of yours with the priest, the priest Mick, somebody who came with you; had you an appointment to meet the priest when you came along in the car together?—Did I know him?

13010. Did you arrange to meet him?—To meet the priest?

13011. Yes?—When he came in the car?

13012. Yes?—No; I did not know he was going to go. I asked him if he was going further that the hotel. He told me he was; and I told him to get on to the car. I did not know what he wanted or not, only that I saw him coming.

13013. Was it after the people had tried to pull away the driver of the car that the priest struck the man?—Oh, no; when the fustling was going on, when I first came up, they took the reins of the driver; and the priest immediately gave him two blows with a stick, and then he flew away from him.

Mr. *James* stated that he was in possession of information that two persons of the name of John M'Laughlin and John Gannon, who had been examined as witnesses for the Petitioner, had on their arrival at Castlebar been very seriously maltreated; and he applied for a summons against a man of the name of John Sheridan, who appeared to have taken part in the attack; he also applied for summonses to bring over Mr. M'Laughlin and Mr. Gannon.

Counsel and parties were ordered to withdraw.

The Committee deliberated.

After a short time,

Counsel and parties were called in, and informed by the *Chairman* that the Committee desired to take the evidence of Colonel Higgins, upon the subject which had been brought before them by Mr. James.

Colonel *Ousely Higgins* was sworn, and examined by the Committee, as follows:

Col. *O. Higgins.*

13014. YOU produce certain letters which you received this morning from Ireland?—I produce two letters which I have received this morning.

13015. Signed by whom?—One is signed by Mr. James Conry, and the other by Mr. Thomas Cooly.

13016. What are the dates of those letters?—They are both dated the 7th of July.

13017. Those letters refer to injuries which two witnesses, who were examined here, have received?—To injuries received by Mr. John M'Laughlin and Mr. John Gannon, two witnesses who were examined here.

13018. Will you put those letters in?—Yes; I am aware of the writing of both the gentlemen who have communicated with me, and they are in their writing; I have received them this morning by post; I believe these two are the most important letters; Sir Richard O'Donnell will be here presently.

[*The Witness handed in the following Letters:*]

Dear

Col. *O. Higgins.*

9 July 1857.

Dear Colonel Higgins, Castlebar, 7 July 1857.

The election violences are being re-enacted here; Mr. John M'Laughlin, who gave evidence before the Mayo Election Committee, on his arrival in this town yesterday, by Bianconi's car, was assailed by a ruffianly mob, assembled, as it would appear, by concert, at the coach office, and hooted and hissed, and hustled, and all manner of foul epithets lavishly bestowed upon him during his half-hour's stay. He left by the car for Westport, where I suppose a similar reception awaited him.

Poor John Gannon, who also gave evidence before the Election Committee, is being victimised here this day. He and his wife came into town on business, and they have received the foulest treatment: surrounded by a mob of women, boys, girls, and men; pelted with mud and stones; hustled; pushed about everywhere they went through the town; abused and slandered, and all manner of nick-names showered upon them. Gannon they accused of being a priest-persecutor, another *Shawn-a-Soggarth.* He had to fly for shelter to Cogan's house, from whence he was mercilessly turned out, to face an infuriated mob; and he is now hidden in a smith's forge, with closed doors, to avoid further harm being done him.

If this be the liberty of the subject, the freedom of election, or the right to petition, I know not where things may end.

The police are conveniently absent, and we have no magistrate, resident or non-resident, in town, Captain Talbot being absent for some time past, and not soon expected to return.

I remain, dear Colonel Higgins,

Yours most faithfully,

Colonel Ousely Higgins, &c. &c. &c. (signed) *James Conry.*

Since I wrote the annexed, Gannon has been awfully maltreated, and one of his eyes nearly smashed in his head, while in Gavin's forge where he went for shelter. The police came to his aid when too late, when the mischief was done. I saw Gannon this moment in the county infirmary. Dr. Knott says he fears Gannon's eye is irretrievably lost. It presents a dreadful appearance. Gannon does not know his assailant, who struck him with a long iron rod pushed through the floor of a loft where he went for refuge from his assailants; but he is known, although it will be difficult to compel the parties who saw the deed done, to give evidence against.

I trust you will see that justice shall be done in this case.

J. Conry.

Sir, C. Bar, 7 July 1857.

The treatment that Gannon that came home from London, received in Castlebar this day was most outrageous, and should be laid before the Committee. His life is in danger, and in the beginning was led on by John Sheridan. This conduct is enough to deter any person from telling the truth. I hasten to let you know this, that it might be laid before The House.

Your obedient servant,

Colonel Higgins. (signed) *Thos. Cooly.*

Veneris, 10° *die Julii*, 1857.

The Names of the Members were called over; all present.

WILLIAM SCHOLEFIELD, Esq., in the Chair.

Mr. *Montague Smith* stated, that in accordance with what he understood to be the wish of the Committee, a Table had been prepared showing the polling in each barony, and the number of votes left unpolled.

Mr. *Alexander Reid Campbell*, having been sworn, was Examined by Mr. *Montague Smith*, as follows:

Mr. *A. R. Campbell.*

10 July 1857.

13014*. ARE you a clerk to Mr. Martin, the agent for the Sitting Member?—I am.

13015*. Have you made an analysis from the poll-books of the number of voters polled in each barony, and also from the register, of the number remaining unpolled?—I have.

13016*. Is that Table which you hold in your hand, containing those facts, a correct Table?—As far as I could make it correct. I believe it to be perfectly correct. I checked it with another clerk of Mr. Martin's.

13017*. *Committee.*] Is that in your handwriting?—No, it is the writing of another clerk in the office, but it is copied from a statement that I drew up myself.

13018*. Do you know it to be a correct copy?—It is a correct copy.

Cross-examined by Mr. *O'Malley*.

13019. You cannot make it correct, I think. If you look it over, you made it 441 yesterday, and in the paper which you have given in the number does not agree with ours?—I am perfectly aware that it does not agree with yours. I may state to the Committee that I went over that list and I found it did not agree with yours. I was not satisfied with the list that you made, but I thought mine might by possibility be wrong, and I consequently went very carefully over the whole again, and I may state that I am satisfied that the list that I have prepared is the correct state of the poll.

13020. By the *Committee.*] Is there much difference between that and the one you went over with Mr. Griffin?—There is a little difference.

13021. In how many instances do you find they differ?—In the different baronies there is sometimes three or four.

13022. What was the total difference?—The total difference, I should say, was not more than a dozen.

13023. Is not the total difference 23 unpolled?—That is the difference to-day, but I am speaking with reference to the list I went over with Mr. Griffin.

[*The Witness delivered in the Table, which was as follows:*]

MAYO ELECTION.

STATEMENT showing the Number of ELECTORS Registered in the County of *Mayo*, the Number Polled, and the Number remaining on the Register.

BARONY.	Number on Register.	Number Polled on Monday, 6th April.			Number Polled on Tuesday, 7th April.			Number Polled on Wednesday, 8th April.			Total for each Candidate.			Total Number of Voters who Polled.	Number remaining on the Register.	Number Rejected by Sheriffs.	Voters to be accounted for.
		Moore.	Palmer.	Higgins.	Moore.	Palmer.	Higgins.	Moore.	Palmer.	Higgins.	Moore.	Palmer.	Higgins.				
Murrisk - -	162	87	93	14	8	17	3	–	–	–	95	110	17	127	35	2	33
Burrishoole -	169	71	81	56	5	10	8	–	–	–	76	91	64	146	23	–	23
Clanmorris -	289	114	105	88	11	15	6	9	5	6	134	125	100	242	47	4	43
Kilmaine -	370	–	–	–	–	–	–	17	13	4	168	157	152	310	60	12	48
Tyrawley -	535	124	159	102	106	152	65	–	–	–	230	311	167	416	119	17	102
Erris - -	177	–	–	–	–	–	–	–	–	–	99	100	57	156	21	2	19
Gallen - -	372	119	119	177	19	8	32	–	–	–	138	127	209	325	47	3	44
Costello - -	265	–	–	–	–	–	–	–	–	–	28	22	226	246	19	–	19
Carra - -	292	–	–	–	–	–	–	–	–	–	195	201	49	242	50	–	50
TOTALS -	2,631	515	557	437	149	202	114	26	18	10	1,163	1,244	1,041	2,210	421	40	381

[The Witness withdrew.

Mr. *O'Malley* stated that he would produce a Table prepared by the agent for the Petitioners.

John Griffin, Esq., having been sworn, was Examined by Mr. *O'Malley*, as follows:

J. Griffin, Esq.

13024. DID you make that Table which you hold in your hand?—I did.
13025. Is it correct?—I believe it to be correct, as far as I can judge.

[*The Witness delivered in the following Table:*]

MAYO ELECTION PETITION.

POLLING DAYS, 6th, 7th, and 8th APRIL.

—	BARONY.	Polling Place.	Constituency.	Higgins.	Moore.	Palmer.	Unpolled.
1	Clanmorris - -	Ballinrobe -	289	100	134	125	47
2	Kilmaine - -		370	152	168	157	60
3	Costello - -	Swineford -	265	226	28	22	19
4	Gallen - -		372	209	138	127	52
5	Carra - - -	Castlebar - -	292	49	201	195	47
6	Burrishoole - -		169	64	76	91	27
7	Tyrawley - -	Ballina - -	535	167	230	311	103
8	Erris - - -	Belmullet - -	177	57	99	100	17
9	Murrisk -	Westport - -	162	17	95	110	32
		TOTALS - -	2,631	1,041	1,169	1,238	404
		PLUMPERS - - -		772	46	96	

MOORE - - - - - - - - -	1,169
HIGGINS - - - - - - - - -	1,041
MAJORITY for MOORE - - -	128

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Mr. *Karslake* stated that he would put in a placard, proved to have bee printed for Mr. Griffin, and posted in Ballinrobe.

Mr. *O'Malley* objected that it had not been proved.

Mr. *Karslake* referred to the evidence of Mr. Kelly, Question 1386, upon cross-examination, to show that it had been proved.

[*The placard was delivered in, and is as follows:*]

Roman Catholic Electors of Mayo.—In sober seriousness, reflect and ask yourselves, can you conscientiously, and before High Heaven, vote for Captain Palmer, whose first act in the House of Commons, if you elect him as one of your representatives, must be to blaspheme your holy religion, by making the following Derbyite declaration: "I do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever, and that the invocation of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me as they are commonly understood by Protestants, without equivocation or any mental reservation." Catholic clergy of Mayo, are you prepared to join the Derbyite candidate in the above declaration? Are you willing to affix your hands and seals to a declaration which brands your holy religion as superstitious and idolatrous, and to testify to a profession of faith which must be offensive to every true child of the Immaculate Virgin Mary! Catholic clergy of Mayo, or, at least, such of you as have at the command of an interested party promised support to Captain Palmer, reflect ere you call on the truly religious people of Mayo to follow your example. If you are not prepared for the inevitable consequences, retrace your steps while the hour of reparation is still left you; implore of Him to whom you have consecrated your lives to save you and your devoted people from the commission of such a suicidal act. Men of Mayo, let the echo resound from Croughpatrick to Neplim, that you still adhere to the old faith as proclaimed from those mountains. If so, vote for the religion of St. Patrick! Happy homes and altars free!!!

Mr. *Karslake* delivered in the following advertisement:

Mayo Election.—At a meeting of Lieutenant-colonel Higgins's committee, held the 31st of March at Claremorris, Sir Richard A. O'Donnell, bart., in the chair, the following resolution was adopted: "Our attention having been called to a handbill, signed George H. Moore, in which, amongst other mis-statements, the following is made: 'On the one side are the great body of the gentlemen, the clergy, and the people of Mayo; on the other hand is confederated the whole of the dishonest of the county.' Resolved, 'That the imputations conveyed in the first paragraph are false, and in the second false and calumnious; that we have unquestionable evidence before us that Colonel Higgins is warmly supported by a landed proprietary, whose rental exceeds 150,000 *l.* a year, on a county valuation of about 311,000 *l.* per annum, including several peers, a considerable portion of the clergy of both persuasions, numerous Protestants, and nearly all the Roman-catholic gentry of this county; and we put it to the constituency of Mayo, whether, independent of the highly respectable names on our committee, such gentlemen as the Earl of Arran, Viscount Dillon, the Hon. W. Russell, Dalgan Park, Valentine O'C. Blake, Edward Moore O'Ferrall, Crompton Domville, and many others, are likely to confederate with all the dishonesty of the county, or whether there could be a more base or unprincipled conspiracy than the heterogeneous opposition now organised to oppose Colonel Higgins's return, of Moore and Palmer, and Palmer and Moore. *R. A. O'Donnell*, chairman.'"

Mr. *Karslake* stated, that he could prove that, with the exception of the barony of Kilmaine, all the baronies were taken alphabetically; that in the barony of Kilmaine they were taken by allies.

George Henry Moore, Esq., a Member of the House, having been sworn, was Examined by Mr. *Montague Smith*, as follows:

G. H. Moore, Esq., M.P.

13026. WE know that you are the Sitting Member for Mayo?—Yes.

13027. I believe you reside principally in the county, of Mayo?—I do.

13028. You are a resident in the county, at Moore Hall?—Yes.

13029. I believe you have a considerable landed estate there?—Some landed estate, between 3,000 *l.* and 4,000 *l.* a year.

13030. When did you first become a candidate to represent that county?—In 1845.

13031. On

13031. On that occasion did you make a personal canvass?—I think I canvassed, either personally or by letter, nearly all the electors of influence or station in the county, and nearly all the clergy, whether Protestant or Catholic. The Protestant clergy for the greater part did not support me, on account of the opinions which I held with reference to the Established Church, but a great many of them did support me notwithstanding; and I may say, that I was supported by almost all the Protestant and Catholic proprietors of the county; I think I may say all. Amongst others, I canvassed the Archbishop of Tuam. I was received with great courtesy, and his Grace expressed the highest possible opinion of my personal claims, but owing to the circumstance of the opinions which I entertained upon the repeal of the Union, or rather upon the pending agitation of that question, being entirely opposed to his own, he declined to give me any support. Before leaving him, I expressed the regret which I felt that I should be placed in political antagonism to his Grace, upon which he asked me whether, under all the circumstances of the case, I was still determined to contest the county; I told him I was, and that although his opposition would cause me regret, it in no degree altered my determination. I did canvass the county; I did contest the county; I contested it to the last. I was opposed by the popular party, and by, I may say, with some few exceptions, almost all the Catholic clergy. I was certainly groaned at and shouted at wherever I went, but I never was molested; I never got an escort wherever I went; I went to and fro by night and by day without any molestation, except the noises that I have described, and almost daily I used to ride back from Castlebar, where I was greeted with shouts and execration in the evening, without any escort whatever, by the people, who never molested me. I myself regarded all those shouts and noises as merely the loud expressions of popular opinion, and I was quite satisfied in my own mind that not one of the people would have hurt a hair of my head.

13032. You were, then, subject to groans and shouts and noises, but without actual molestation?—I was subject to them to an enormous extent; all my voters came in under an escort.

13033. I believe that that is the normal state of things in Ireland?—It is the normal state of things; I have seen now a great many elections in Ireland, and escorts of military and police are always used; and in four elections in which I have been engaged they have been always used; they were used in my case in the first election, and the interruption to the progress of the election through those means was, by no degree of comparison, greater than at the last election.

13034. Do you mean that it was very much greater at those elections?—It was very much greater; it was greater, within no degree of comparison.

13035. Just so; it was incomparably greater?—It was incomparably greater.

13036. I believe the county was pretty well polled out then, and you were not returned?—Yes; I cannot say as to whether the county was polled out. I think it was pretty nearly, but the majority was very small; I think I was only defeated by a majority of 60 or 70.

13037. You did not petition?—I did not petition, but at the close of the election I told the people that they had won the battle this time, but that I should be there at the very next election. The election of 1845 was owing to the death of a member. I contested the county; the general election was shortly to follow, and I announced on the hustings that they had won the battle this time, but that I should contest it again upon precisely the same principles as I had then.

13038. I believe you kept your word, and that you did contest the county again at the general election?—I did; I was requested by those who had opposed me at the previous election to modify the opinions I had previously expressed, and I declined to do so.

13039. That was upon the question of the repeal of the Union?—Yes.

13040. You declined to do so, and you stood upon the same opinions as before?—Yes, I stood upon precisely the same principles and opinions. I was supported again by the landed proprietary of the county, and although the Catholic clergy did not oppose me, I certainly was not returned by their support, or upon their interests.

13041. You held the same opinions to which they had objected in 1845?—Yes.

13042. However, on that occasion you were returned, I believe?—I was returned; I was returned almost unanimously. I think there were three or four candidates, and there were only 20 freeholders that did not give me a vote.

 13043. I think

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13043. I think in the year 1850 there was an election, upon the death of Mr. Browne?—There was.

13044. Did Colonel Higgins then, for the first time, come forward?—Colonel Higgins then contested the county, and on that occasion I gave great umbrage to all my former friends and supporters by supporting Colonel Higgins, whose opinions, as professed by him, appeared to me to be nearly the same as my own.

13045. Was there a contest upon that occasion?—There was a contest. Mr. Butt was the opponent of Colonel Higgins, and Colonel Higgins was returned; he was opposed by almost all the proprietors in the county, and he was returned, I believe, almost exclusively on the interest of the Catholic clergy.

13046. Then in 1851, I believe, there was a good deal of excitement, in consequence of discussions upon the Ecclesiastical Titles Bill?—There was, and those discussions gave rise to a new and very popular policy upon the part of the representatives of the popular party, which has since obtained the name of the Independent Opposition. In the election of 1852 Colonel Higgins became a member of that party, as it was called, and in the election of 1852 he was returned, upon an expressed undertaking that he would remain independent of, and in opposition to all Governments which might resist certain claims brought forward by the people of Ireland, which they believed to be just.

13047. Those were the political principles which at that time he expressed, and upon which he was elected?—Yes, and upon which alone he could have been elected.

13048. You were elected with him upon that occasion?—I was elected with him upon that occasion, and upon the same principles.

13049. At that time I think you were opposed; the candidate on the other side was Colonel M'Alpine?—He was.

13050. Do you recollect the numbers respectively polled for each?—I have not the least idea; but my recollection is that we defeated Colonel M'Alpine by about five to three; it was by a considerable majority indeed; I think nearly three to one.

13051. You polled 1,094, Colonel Higgins 1,029, and Colonel M'Alpine 600?—That is about the proportion, I should say.

13052. The county was not polled so closely upon the election of 1852 as it was in the election we are now considering?—Well, that I will not undertake to say.

13053. I suppose there are a great many absentees and others who are always prevented from voting in Ireland?—Of course.

13054. As part of the history, not by way of any sort of imputation, Colonel Higgins had made those professions at the election in 1852?—Yes.

13055. Was it the opinion of the constituency that he had kept those professions?—No; I think that he violated all his engagements; it is my opinion, and I believe it was the opinion of the constituency, that he had violated all his engagements in a manner the most flagrant and perfidious.

13056. That is your own impression?—That is my own impression.

13057. You are an elector of the county, I suppose?—Yes, and it is my impression.

13058. At all events, was he the popular candidate in 1852, and the unpopular candidate in 1857?—That is my impression.

13059. Can you tell me the engagements which, as you say, were violated?—He entered into an engagement to remain in independence of, and in opposition to, every Government that might refuse to comply with certain conditions, whether Whig or Tory, and he became, in my opinion, one of the most corrupt stipendiaries of successive Governments that were to be found, even in the Irish representation.

13060. It was stated by my learned Friend, Mr. James, in opening, that upon the last occasion Colonel Higgins had refused to adopt certain Ultra-montane opinions?—That was entirely untrue; it was an entire mistake upon Mr. James's part; Colonel Higgins I do not think knows the difference between Ultra-montane and Cis-Alpine.

13061. At all events, as far as you know, that was not the case?—Certainly not; I find that Mr. James said he had refused to adopt those views, and as an instance of it, that he had refused to accede to the agitation for the repeal of the Ecclesiastical Titles Bill. I find in Colonel Higgins's address to the county at that time this passage; "In the present balanced state of political interests, a united

united band of honest Irish representatives may dictate conditions alike to Whig and Tory, and achieve incalculable advantages for our country. Foremost amongst these must be the repeal of the insulting and oppressive Ecclesiastical Titles Act. Without complete enjoyment of religious freedom, no nation ever attained the blessings of social prosperity." I myself did not entertain those views. I told all my friends that I considered the Ecclesiastical Titles Act as passed a dead letter; that the question was buried; and that I thought any agitation for its repeal would only excite bad feelings, which had better be set at rest; and in my address, published after the address of Colonel Higgins, but upon the same occasion, I allude to it casually, when I say, "I will not undertake to resuscitate dead questions." That is the only mention of it contained in my address, and that did not show any encouragement of Colonel Higgins as to the repeal of the Ecclesiastical Titles Bill. With reference to the other question of tenant right, on which Mr. James declared that Colonel Higgins had refused to go as far as myself, or as he was expected to go, Colonel Higgins, on the contrary, expressed the most extravagant opinions. At a meeting held in the county on the subject of tenant right I heard him declare that no settlement of the relations of landlord and tenant would be satisfactory that did not include the compulsory valuation of rent, or something to that effect, in fact completely to that effect; and he at the same time entered into rather a perilous engagement to let the whole of his property at a compulsory valuation if called upon. A clergyman in his interest rose up to ask him whether he would do so; he declared unhesitatingly that he would. The same clergyman asked me whether I was prepared, *ad captandum*, to make the same promise which Colonel Higgins had, and I declared I would do no such thing.

13062. Then Colonel Higgins appeared to have gone further than you in the year 1852?—In 1851, a great deal; subsequently to that his opinions upon the Tenant Right Bill also, as I can show, upon many occasions were of a very extreme character.

13063. When those opinions were not acted upon, was not there a reaction against Colonel Higgins?—Yes; Colonel Higgins became unpopular, not on account of any abstract dogmas which he was supposed to hold, or not to hold, but on account of the breach of solemn engagements.

13064. By the *Committee.*] Was the meeting in 1850, or in 1851?—The meeting I speak of was in 1851.

13065. That was not at the election?—No, it was not at the election, but just previous to the election; it was the year before the election of 1852.

13066. Mr. *Montague Smith.*] I think the election of 1852 was at a time when the Parliament had nearly run out?—Nearly run out.

13067. To come down nearer to the present election, we find that the sheriff of Mayo for the year was Colonel Higgins's father?—Yes.

13068. You knew the deputy sheriffs personally, I believe, a great many of them?—Yes, I knew them, I think, all. I should like to say, that I think there was another cause which tended to the opposition given to Colonel Higgins; it was owing to the fact, as I believe, of the distribution and promise of place, and the abuse of patronage, obtained as I have described. He had so demoralised the minds of the lower class of the gentry and the middle classes in the county, as to unite them together in a confederacy for his own political purposes; and I think I am bound to say, that the objects of that confederacy appear to me to have been most unscrupulously carried out; that the highest offices in the county were tampered with for the purpose; the deputy sheriffs were appointed in their interest, and for their objects.

13069. By the *Committee.*] That appointment rested with the sheriff?—Yes; that the grand juries were packed to carry out their jobs, and that almost every place and position in the county was, as I said on the day of nomination, made successively the reward and the instrument of accumulative corruption. That is my opinion.

13070. I see that Colonel Higgins's provisional committee was a provisional committee of gentlemen who had formed the grand jury to a great extent?—The provisional committee of Colonel Higgins was, for the most part, composed of the class that I have described; there were a great many men of very high position named upon the committee who were non-resident, but the resident proprietors upon that committee were composed, as I believe, almost exclusively of the class I have

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I have described. With regard to the deputy sheriffs that were appointed at that election I entertained very strong opinions. I have been now a candidate upon four occasions for this county, and it is the first time that I ever heard the slightest objection raised to the appointment of the deputy sheriffs. I never raised any myself, and I never expressed an objection; they all appeared to me to be most fairly made; of course it is impossible to appoint deputy sheriffs who are not more or less biassed in one way or the other, and on occasions on which I have formerly stood for the county, it may be possible that the deputy sheriffs may not have concurred in my political opinions, but it always struck me that the appointments were made fairly and honourably. Upon this occasion, however, it was not merely that the deputy sheriffs concurred in politics with Colonel Higgins, but they were selected, in my opinion, from the most unscrupulous partisans of Colonel Higgins's party.

13071. I believe the selection of the deputy sheriffs is not confined to gentlemen resident in the county?—I never heard that it was not before, but it appears that it was not upon this occasion; the only deputy sheriff who was not a resident in the county was Mr. Sharkie. I had some experience of Mr. Sharkie's conduct and character before the election, and it was my opinion that Mr. Sharkie's appointment was the very worst of them all; but as regards the others, I knew them all, or nearly all, personally, and I certainly regarded them as being the most unscrupulous, I repeat the word, the most unscrupulous partisans that Colonel Higgins had in the county.

13072. Mr. *Montague Smith.*] I will now take you down to the election; you were not in the county, I think, when the dissolution of Parliament occurred?—I was not in the county; just previous to the dissolution of Parliament, and a little, or some time after the dissolution of Parliament, I was engaged in Tipperary in a contest between the O'Donoghue and Mr. Waldron, which ended in the success of the O'Donoghue, and after returning to Dublin I was for some time seriously unwell, and engaged also in general political occupation that prevented my attending to the canvass of my own county. But before I go further in the matter, I should wish to allude to a speech at Louisburgh, which was before the election. I heard the Archbishop examined in this Committee with reference to a speech which I am reported to have made at Louisburgh, in which such phrases as this are attributed to me, "Can you tell this Committee distinctly or not whether you heard Mr. Moore say, that 'under the advice of the great Archbishop, the priests alone should decide upon the way in which every Catholic voter should exercise the elective franchise?'" It is not only not the fact that I uttered that expression or that passage, but I did not utter one word of the speech; not one single word of any of the expressions that are here quoted by Mr. James. The fact is, that there was no reporter there at all, and I believe, though I do not know whether it is in evidence or not, but I understand that the report was concocted by a zealous solicitor, who had made a speech upon the occasion himself, and who wished to publish his own speech, but could not very well publish his own speech without publishing mine; and so he invented a speech for me as well as for himself; but all I can say is this, that one word of those expressions I never uttered. I have been informed that that is the case; and I will also state as to a speech of which certain passages were read to the Committee from what was said to be a speech of mine at Castlebar, that that is equally apocryphal. I hope I may claim credit from any honourable Member who has ever had the misfortune to hear me speak, that it is almost impossible that I could have uttered such rubbish as is there attributed to me. The fact is, that the reporter came to me at the time, and told me that he had not been present during the greater part of, or the whole of the time, and that he had not taken notes of my speech, and he asked me whether I would make a report of it for him. I said that I had really something else to do at the election than that; that it was quite enough to make speeches without reporting them, and that I had no time to do anything of the kind; he then asked me what he should do; I replied, "Invent a speech for me," not supposing that the man would do any such thing, and he did invent a speech for me. There are parts of it which have some distant resemblance to something I said, but no single sentence that has been read out to the Committee was uttered by me, as every Member of the Committee who has heard me speak, will, I think, well know.

13073. By the *Committee.*] Was the first speech published?—Yes.

13074. In

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13074. In what paper?—In the "Telegraph."

13075. And the second also?—Yes. I never made either of those speeches; and not only that, but I will go further, and say as to the expression I have just read about the exclusive direction of the franchise by the clergy, that I think such an opinion is most unconstitutional and monstrous, and would be most discreditable to any man who gave utterance to it. I do not hold it. Opinions have been ascribed to me which I do not entertain. I may just say that it is not my opinion that a priest has any more right to direct the franchise of the voters than any other man, and less right than any other man to direct it for selfish or personal purposes; but so far from thinking that the direction of the franchise should be delegated to any class, whether lay or ecclasiastical, my opinion is, in the first instance, that the voters should exercise it themselves; but if they are resolved to seek advice, they should seek it from those who they themselves think most worthy, and that those who direct them, if they do direct them, should direct them so as to enable the people to raise the voters into a condition to exercise it themselves. Those are the opinions which I entertain, and the opinions which are contained in the passages which have been quoted are the very reverse, in my opinion, of those which I do entertain.

13076. Was your first appearance in the county on the Monday previous to the nomination?—I arrived in Mayo four days before the nomination. I arrived in the morning, as well as I recollect, and after a few hours I proceeded to Castlebar.

13077. Before you arrived had you issued any address?—No, I had not issued any address, and I do not think I wrote a single letter on canvass. I felt quite certain in my own mind, more certain as it appears than I ought to have felt, that not only my success, but the success of Captain Palmer also, was perfectly secure; that the great majority of the electors who were not either corrupted or coerced would vote for me. And I did not believe that the amount of corruption or coercion which was exercised would have been exercised, and I believed I was certain of a very large majority. I issued no letter or address, and made no canvass.

13078. You thought yourself so safe that you did not come into the county until four days before the election?—I thought myself so safe that I did not come into the county until four days before the election. I then drove to Castlebar.

13079. Was that on Monday?—On Monday. Immediately after my arrival I drove to Castlebar, where I was expected, I understood, and where I found a large assemblage of people waiting for me. I was met outside the town by a number of people with flags. I do not know whether there was a flag or not, but there was a band of music, and they took the horses from the carriage and drew me into the town. There was some discussion as to where I should address the people, and they told me that Dr. M'Greale's house was in the centre of the main street opposite to both committee-rooms; that it afforded a wide space, and that that would be the best part for the purpose.

13080. By the *Committee.*] What do you mean by "both committee-rooms"?—Captain Palmer's committee-room, which was nearly opposite to Colonel Higgins's committee-room, which was beyond; that was in the main street, and there was a wide space.

13081. Mr. *Montague Smith.*] I think you say about the centre of the town?—No, not about the centre of the town, but a very public place in the town.

13082. You went to Dr. M'Greale's, and you did address the people?—I did, but not in the words attributed to me.

13083. Did you see Colonel Higgins upon that occasion?—No, I did not see Colonel Higgins there, to the best of my recollection; I do not think he was there, but I saw his committee-room covered with inscriptions, and it is my impression that I saw, and I have been trying to tax my recollection, inasmuch as I do not recollect very much the names of those I did see, and I do not like to express an opinion strongly; but it was my impression that I saw several of Colonel Higgins's known supporters standing upon the steps of the hotel and walking about the town without any molestation whatever.

13084. When was that?—Four days before the election; the town appeared perfectly quiet, and it is my impression that I saw people of all politics walking about; and there certainly appeared to be no disturbance whatever.

13085. There appeared to be no disturbance; were the people in good humour?—The people appeared to me to be in perfectly good humour; of course

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they were, because they had it all their own way; but they were in good humour, and I saw no symptoms of turmoil or violence, or of any wish to create violence.

13086. Was Colonel Higgins's committee-room covered with inscriptions?—Colonel Higgins's committee-room was covered with inscriptions; I think they were "Ouseley Higgins, and prosperity to Mayo."

13087. Had you yourself any committee-room at Castlebar?—None whatever; I had neither committee nor committee-room; so much so, that on the day of the nomination, having promised the reporters to assist them in the correction of my speech, having time that night, I was obliged to ask the hotel-keeper for a room in the hotel for the purpose, having no room of my own; I had no committee nor committee-room.

13088. By the *Committee.*] Do you apply that observation to the whole of the county, or to Castlebar only, when you say you had no committee?—As regards that matter, I had no committee-room that I know anything about in any part of the county.

13089. Nor any committee?—Nor any committee anywhere.

13090. There might have been committees for promoting your election without any concert of yours?—That I cannot answer for. I had only arrived in the county four days; I was travelling through the county the whole of those days, and I never dreamt of having a committee or a committee-room. I certainly never paid for one, or intended. On my arrival on Monday I started, as I said before, for Castlebar. I stayed there that night, and the next morning I went to Swineford; I started for Swineford; I went round by Keltimagh; I there addressed the people on the coming election. There was a man I remember of the name of Lavin.

13091. Mr. *Montague Smith.*] Is that the man who has been a witness here?—No, it is not the same man; it is an older man, a very zealous supporter of Colonel Higgins. He interrupted me while I was speaking very often, and undertook to argue the case with me.

13092. To argue what case; Colonel Higgins's case?—Colonel Higgins's case; and as I did not think him a very expert dialectician, or very well informed upon the matter, I of course did not object; I thought I should have rather the best of it. The people and Lavin appeared to be on perfectly good terms with each other, joking and laughing about the matter; there appeared to be no irritation whatever; they certainly laughed at him when they thought he had the worst of the argument, but anything like irritation or violence I did not see; and the only man who undertook Colonel Higgins's part appeared to me to be treated with the greatest possible good nature and good humour. I then went on to Swineford; I was expected there also, and I met, as before, a number of people outside the town, the same as at Castlebar, with music, as well as I recollect, and green boughs, and they also insisted upon taking the horses from the carriage and drawing me into the town. I met there a great many people; several Roman-catholic clergymen. I went to a house at the corner of the main street, and I addressed the people from the window.

13093. Whose house was that, do you recollect?—I do not know at all.

13094. Was it any committee-room?—Not that I am aware of; I never heard of my having any committee-room until I heard it in this room.

13095. You went to the house and addressed the people?—I addressed the people at considerable length.

13096. Some part of what you then stated has been given to the Committee by Mr. Curran?—Yes; it was very much a caricature of what I said; it is not worth while repeating what I did really say, but it certainly was considerably misrepresented in the report of Mr. Curran; but I am sorry to say that, in my opinion as to Mr. Curran, I should not care about misrepresentation of my parts of speech; but I think he has misrepresented my conduct very much more greatly. All that occurred in the matter, as I recollect, following Mr. Curran through his description, was, that after addressing the people, I proceeded to canvass the town. There were a great many people in the town—some thousands, I think—and at the close of my canvass there were a good many people around me, upon which I saw a little, important-looking man, who walked up to me, and, in a very authoritative tone, told me that he thought, as a magistrate, I should beware of passing by Colonel Higgins's hotel. I do not think he called it Colonel Higgins's, but the hotel taken by Colonel Higgins, inasmuch as I must be aware of the danger

danger of bringing two hostile bodies into collision. I really was perfectly amazed at the idea, because, in point of fact, there were no two hostile bodies, and I told him so. I said, "That in order to produce a collision, there must be two bodies; and inasmuch as I only see one, I do not see how a collision is to be produced." And I said, "It is as much contrary to the law of the land as it is to common sense to endeavour to put a peaceable town into a state of siege, merely because a dozen blackguards are being addressed by two or three corrupt gentlemen from the doors of the hotel." Upon which Mr. Curran, who appeared not at all to like the tone in which I took the matter, said, "Mr. Moore, I have not come here to learn the law, but to enforce it." Upon which I said I quite agreed with him, and that I would feel obliged to him if he would confine himself to his duties, as described by himself. Accordingly, I turned to the people, and I said to them, "You hear what this gentleman has said: I hope you will show him how quiet and peaceable you resolve to be, and that you will show him that a large body of men like you would not be so cowardly as to assail the few small boys and paid blackguards that I see yonder, even if if they should insult you. Accordingly we will pass by the door of the hotel, and we will show that we will not condescend to quarrel with them." I was surprised; I particularly, and in the most emphatic manner, cautioned them against anything like a breach of the peace, and I therefore was exceedingly astonished when I heard Mr. Curran say that he did not hear me say that, because I said it in his presence, and I was near to him, and in a very loud tone of voice, so as to be heard by the large body of people. I was as near to him as I am to any Member of the Committee. I was also surprised when he drew my attention to the terrible flogging of the people by a priest at the time, which certainly, although I was present also, I did not see. I can only suppose that Mr. Curran, being a gentleman whose word I can scarcely question, was more intent upon the flogging than upon the speech; that while I was speaking, I was perhaps not attending, as I might have been, to what otherwise was going on, and that while he was attending to something else, he did not hear my speech. But I must say, on listening to some of the evidence given before this Committee with reference to facts which passed before my own eyes, I have been sometimes inclined to think I must have been in a dream; because if the description given of facts which passed before my eyes and within my hearing during the election be true, I can no longer trust to my ears during my life. But I certainly did say that to the people in Mr. Curran's presence, and I certainly did not see any of the chastisement which Mr. Curran says the clergyman inflicted upon the people. From there I passed with the people by the hotel in question, and as I passed I saw a little knot of angry disputants upon the steps quarrelling, not about the election, but engaged in some little personal quarrel of their own. One of them, I think, was the younger Mr. Jordan; I do not think I had ever seen him before that day, and therefore his face was not so well known to me as it is now; but I think he was one of them. The other was, I was informed, the son of the Rev. Mr. Eames; I was informed so; I am not certain; but the Rev. Mr. Eames himself I did know and did see; he was on the steps of the hotel; he was very much excited; he was accusing somebody of having assaulted him, and said that if that person had not known he was a clergyman, he would not have ventured to do so. I must say, at the same time, that though he was very much excited, he neither said nor did anything that was derogatory to his profession as a Protestant clergyman.

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13097. He was a friend of Colonel Higgins's?—Yes.

13098. He was with Colonel Higgins's party?—Yes. While this was going on I saw a jug of water thrown out from the door of the hotel; whether in joke or in provocation I cannot tell; but it certainly did not provoke anybody, and we passed on in perfect good humour.

13099. The people that were walking with you past Colonel Higgins's hotel, as those people were standing there, passed in perfect good humour without any demonstration of anger?—Yes.

13100. Did you stay at Swineford that day?—I did, and I left the next day for Claremorris.

13101. There is a circumstance which Mr. Curran mentioned, to which I will call your attention; will you explain it to the Committee; he said that you bailed two men whom he had committed; will you explain the circumstances?—Yes; the facts of the case are these: in the evening some party, I think Mr. Jordan

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was one of them, but I am not certain, came to me and told me there were two men, who had been committed on a charge of assault to stand their trial at the coming sessions; that they lived out in the country; that it was late in the evening; that they wanted to get home, and that they were prepared with good and sufficient bail, and bail bonds were presented to me for signature. I told them that I thought it was much better for them to go to the magistrate who had committed them; that he was the more proper person, and that if it was as stated to me, it was a mere matter of course, with regard to which I was quite sure that there would be no difficulty; they went away, and they returned shortly afterwards, stating that Mr. Curran, who was the magistrate who had commited the prisoners, lived in the hotel which had been taken by Colonel Higgins, and as it was surrounded at the time by a knot of Colonel Higgins's supporters, who were not exactly in the state they ought to be, it was exceedingly probable that any one who attempted to get into the hotel at that hour of the night would be first assaulted himself, and then committed for an assault afterwards; and as I had previously received warning from Mr. Curran himself that the neighbourhood was dangerous, I thought it was very likely to be the case; accordingly I went down to the police office, and after making inquiries as to the nature of the assault, and satisfying myself that it was at all events an assault of a very trifling description, if not merely a nominal one, I thought it would be a hard case under the circumstances to keep the men in confinement, and, feeling certain that Mr. Curran would do the same if applied to, I took bail, which was certainly good and sufficient, for their appearance at the sessions, at which they did ultimately appear, and were tried, with what result I cannot say; but although, under ordinary circumstances, I should certainly do the same thing again, if it be true, as Mr. Curran stated, that one of those men was subsequently seen in a riot, it certainly does lead me to think that I might have been indiscreet in what I did, because, though I was informed that the men did live in the country, and were going into the country, if I had known they lived in the town, I certainly would not have done it.

13102–3. That was on the Tuesday night, I think, at Swineford?—On the Tuesday night at Swineford.

13104. Did you the next day go to Claremorris?—I went to Claremorris the next day, and passed through Ballyhaunis.

13105. Did you address the people there?—I did, and, as I did in every part of the county upon every occasion upon which I spoke, I told them that the only danger that there was with regard to the success of the election, was from acts of violence or insubordination upon the part of the people; that one of the candidates, by the assistance of his father, the sheriff, and other assistance which I believed he possessed, had the command of the arm of the law; that it would be unsparingly and unscrupulously used; and that I hoped that no friend of mine would give my enemies the pretence of saying that we had violated the law. There was no occasion upon which I spoke, throughout the county, in which I did not emphatically express that opinion. I then went to Claremorris.

13106. On the Wednesday, I think?—On the Wednesday I went to Claremorris. I again addressed the people very much to the same effect, of course advocating my own claims and the claims of Captain Palmer, and of course depreciating, as far as I thought right, the pretensions of Colonel Higgins; but inculcating, above all other things, that I ran more danger of losing my seat through violence and insubordination, than through the probable state of the poll at the close of the poll.

13107. Did you stay at Claremorris the Wednesday night?—I did.

13108. I think the next day you went to Ballinrobe?—The next day I went to Ballinrobe. I had not sent to Ballinrobe to say I was coming.

13109. Were you expected there?—I was not; at least I had been expected there at some time or other, but I was not definitely expected, as I understood, and there was no crowd ready to receive me at all. The town was perfectly quiet, was perfectly silent I may almost say; there was no appearance of any excitement whatever.

13110. You drove to Mr. Conway's?—I drove to Mr. Conway's; I always do whenever I go into Ballinrobe. Mr. Conway is not only a particular personal friend of mine, but he has that which is of some consequence to a gentleman travelling with his own horses, he has a large unoccupied stable, and I always avail myself of his kindness, or almost always, whenever I go to Ballinrobe, to put

put up my horses there rather than put them up in a public stable at the hotel, where all kinds of horses are received, which makes it a matter of considerable danger to place horses therein.

13111. You say that he is a personal friend?—Yes.

13112. Had you met him during the period of the famine in Ireland?—Yes; he had been at the previous election a very great opponent of mine. My first acquaintance with Mr. Conway was formed during the famine. I was the officer at the head of the district, and Mr. Conway was the clergyman, and we were brought in very near relation with each other, during that period, for several months. He was frequently at my house, and I was frequently over with him. He was, as I considered, a most zealous clergyman, and at that time I am quite sure he saved the lives of a vast number of people by his exertions, and I formed a personal friendship with him, in consequence of which we were in the habit of crossing the lake together, and were very often in the habit of going over the Partry. That personal friendship has continued ever since we were brought very much in relation with each other at that time.

13113. Has Colonel Knox a large interest in Ballinrobe?—The whole of the town belongs to Colonel Knox.

13114. I believe that Colonel Knox upon this occasion was one of your supporters?—No, he was not a supporter of mine; on the contrary, he refused to support me, and he refused to vote for me, and he refused to canvass any of his tenants for me; but at the same time he gave to all his tenants permission to vote for me if they pleased, and I always regarded it as the same thing as supporting me; because, as I said before, I knew that, unless coerced, the great mass of the people would vote for me.

13114*. By not opposing you, and leaving his tenants at liberty to vote for you, you had, substantially, his support?—Substantially I regarded it as the same; consequently when I canvassed the town of Ballinrobe I regarded it as a mere complimentary formula. I knew that almost all, except three or four, would vote for me. I did canvass them, but I canvassed them merely, as I said before, as a complimentary formula. Mr. Conway was with me when I canvassed some of the electors, and accompanied me through the town, pointed out to me the houses of the voters, told me which was which, and I passed through and just asked them whether they would vote for me, and received their answers. I did no more. On leaving Ballinrobe Mr. Conway told me he had no means of conveyance; he told me something about his horse, that he had no means of going to the nomination the next day, and asked me whether I would give him a seat in my carriage. I told him I could not, because I had already made arrangements with another gentleman to take him in.

13115. Who was the other gentleman?—The Rev. Mr. James Brown, who was my parish priest, and lives close upon me, within a mile of me, and on the way to Castlebar. I had promised to take him in. Mr. Conway, however, said that in that case he was sure Mr. Brown would be able to help him in the matter, and as I was to take Mr. Brown in, Mr. Brown would perhaps lend him his own conveyance; if I could take him as far as Moore Hall it would be a great convenience to him; of course there was no denial; but at the same time, considering that I wished to have the evening before the nomination to myself, I should have been glad to have been excused; however, I did agree to take him in. As we were passing through the town I had been repeatedly asked to speak in the town, and had refused.

13116. You did not speak in Ballinrobe?—Yes, I did; but I did not speak from a window; I did not speak regularly, but as I was going out from the town, some of the people came and stopped the carriage, and begged I would say a word before I left, and I did address a few words to them, which it appears were not heard, because they were almost exclusively confined to an injunction to keep the peace, and not in any way to violate the law during the election, assuring them that the election was perfectly secure, and that the only danger lay with themselves.

13117. This was the day before the nomination?—This was the day before the nomination. I then wished to call on Mr. Geoffrey Martyn, to ask him to propose me at the nomination. I had previously ascertained that the Archbishop, whom I had requested to do so, could not do so, not being an elector, consequently I turned out of my way to Mr. Geoffrey Martyn's to ask him to do me that favour; I saw Mr. Geoffrey Martyn, and he promised to propose me

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the next day. I then drove to Moore Hall. I stopped there that night, and the next morning I drove on to the Rev. Mr. Brown's. I found he had already started. I drove after him and overtook him on the way, and requested him, from my seat in the carriage, that he would come in with me, and that Mr. Conway should take his gig. The reverend gentleman, however, said it did not matter, it was not worth while, and we drove, he in his gig, and I in my carriage, into Castlebar together. On arriving at Castlebar I put up my horses at Armstrong's Hotel, and from an intimation which I received, I went to the sub-sheriff, who informed me that the sheriff would not put me in nomination unless I lodged 200 *l.* in his hands. I was not then aware of how extortionate and illegal this demand was, and as I was perfectly satisfied that the sheriff was capable of carrying out his threat, I agreed to the arrangement.

13118. By the *Committee.*] Was that the sheriff or the deputy sheriff?—The sub-sheriff.

13119. Who was that?—Mr. Rutlidge, the under-sheriff.

13120. Was the same thing enforced as to the other candidates?—I will inform you what took place.

13121. Was that the Mr. Rutlidge who was examined here?—No. When I use the words "extortionate," and "illegal," I think it right to say, that as regards the extortion, at all events, that phrase would not apply to the high sheriff at all, because the money, if there was any extortion, would not go into his hands but into those of the sub-sheriff, who takes the money and pays the expenses, and takes the rest himself; but the illegality would be the illegality of the high sheriff. He informed me that the sheriff would not put me in nomination unless I lodged 200 *l.* in his hands; I consented, under the circumstances, to the arrangement, but I certainly was not aware that a cheque would not be received until it came to the time of the nomination. In the beginning of the proceedings, the sheriff informed Mr. Lee, the agent of Captain Palmer, that at any time in the evening he might pay the money that was demanded; I, of course, supposed that the same would apply to myself; when the time for the nomination, however, came I was informed that I must pay 200 *l.* in notes or cash, and that neither my own cheque, nor the cheque of any one else in court, would be received. The sheriff was asked, whether either of the other candidates had lodged the money, and the sub-sheriff said he declined to give any answer as to whether he had the money, and demanded the money from me; I had not really so much money about me, but with the assistance of my friends I made up the money and lodged it. I have since discovered that the sum he demanded was two or three times as much as he had a legal right to demand.

13122. Was the same sum demanded from the others?—I have no reason to know that, but certainly I have no reason to know the contrary; there was no difference, I think, made as regards the sum.

13123. They were not required to pay the money?—They were not required to pay then, and they were absolutely proceeding to take the show of hands without putting me in nomination, when I procured the money. They declared that unless I was able to produce, in notes or cash, that money at the time, the show of hands would be taken without me, and, in fact, I should not be put in nomination, although I had been 10 years Member for the county. Now, particularly in going into a crowd, people do not generally carry 200*l.* in notes about them.

13124. Mr. *Montague Smith.*] That was the pleasant preliminary?—That was the pleasant preliminary; but I think it right to say that I do not apply the term or conceive that any extortion in the demand applied, in the smallest degree, to the high-sheriff.

13125. Still the accident of not having 200*l.* nearly proved fatal?—The accident of not having 200*l.* nearly proved fatal; absolutely, I should have been merely in the position of the petitioner here, if I had not had the money, I have no doubt.

13126. Then the proceedings in the nomination went on?—Yes.

13127. Were you next Captain Palmer?—I was sitting next my fellow candidate, Captain Palmer, in the gallery, the whole time. I heard Sir Richard O'Donnell state that Mr. Conway was sitting next to me; I think the worthy baronet was mistaken in that fact, because the only time in which my attention was drawn to the particular position of Mr. Conway was during the speech of Captain

Captain Bralazon. An altercation arose between them, and during that time, certainly, Mr. Conway was not next to me, and it is my firm belief, as firm a belief as I can entertain upon any subject of the kind upon which, of course, my mind was occupied and engaged, that Mr. Conway was not near me during the whole time of the nomination. I do not know whether it is evidence to say that I have consulted a great many other people, and that my impression in that matter is founded also upon their firm recollection of the circumstances. *G. H. Moore*, Esq., M. P. 10 July 1857.

13128. With the exception of what you have stated to us, had you anything more to do with Mr. Conway than you have told us?—I think there was no elector of position or influence in the county with whom I was less in connexion than Mr. Conway from the time of the dissolution of Parliament, and long before; and up to the close of the election I never addressed a line to Mr. Conway; I never saw him, except upon the one occasion in which I was obliged to pass through the town in which he lived; he accompanied me, under the circumstances which I have stated, that being the day before the election, from the town to the nomination. I parted with him at the nomination, and I never saw him until after the election again; I knew nothing of his movements during the election; I had not the smallest idea of what he was doing during the election; I gave him no directions, or instructions, or advice, or counsel whatever, except to be as quiet as possible, and from the first to the last, as I said before, I had as little communication with him upon the subject of the election as any elector in the county of any influence whatever.

13129. Just to follow on that; we have brought you now to the nomination, which was on the Friday; on the evening of the nomination you went from Castlebar, I think, to Erris?—On the evening of the nomination I remained up for a considerable time; the reporters asked me to assist them; they are very bad reporters; in fact they can hardly report at all; and they asked me to assist them in reporting my speech. I did so; I sat up till rather late for that purpose, and as soon as that was over I started for Erris, and after a great many mischances by flood and field—a drunken postillion, who was falling off his horse the whole way during the night—I arrived at Belmullet the next morning; no, I arrived at some place between Castlebar and Belmullet, I forget the name of it, where I slept for a few hours, and then I started for Belmullet the next morning; I arrived in the middle of the day.

13130. Did you address the people there?—I did.

13131. And canvassed the town there?—And canvassed the town for myself and Captain Palmer. I think it right to say, as Mr. James in his opening speech, although he did not attempt to sustain the charge, said that while at Belmullet I promised an elector, of the name of Ryley, to recoup some expenses which he had been at in the canvass for the coronership, in case he should vote for Captain Palmer. I think it right to say that that charge is utterly untrue; that anything of the kind was never mentioned between us, and that he never mentioned to me that he had been at any expense, and I did not know that he had been at any, and that any such promise upon my part was without a shadow of foundation whatever.

13132. After Belmullet you went on the same evening, I believe, to Tirawley?—I may say this as regards the county of Mayo, that although I had been four times a candidate for the county, and stood four contested elections, it is not only that I never gave, because that would be merely a gratuitous assertion upon my part, but I was never asked in those four contests for any consideration at all for a vote by an elector. I went on to Ballicastle that night, and I slept at the house of a Mr. Madden, who received me very kindly and very hospitably. I had a long conversation with him, and at breakfast I canvassed him with regard to his vote and influence, which I believed was considerable. I heard that he could influence upwards of 20 votes, and he told me he had taken it very ill my not having canvassed him before; that he had partially promised the two other candidates; that he certainly would not have done so if I had canvassed him, but that all he could do he would to procure my return, notwithstanding the previous engagement into which he had entered; that on my explaining the circumstances of my not having canvassed him, he would immediately apply himself to the matter, and that he would give me every possible support in his power. Mr. Madden, for reasons which I do not presume to impugn, did not keep his word; I understand that both he, and all the voters under his influence, voted against me. I do not

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not impute undue influence to Colonel Higgins, or breach of promise to Mr. Madden, any further than I have stated; but such is the fact. I then went on to Ballina.

13133. By the *Committee.*] Was this on the Saturday or the Sunday?—The Sunday; I went on to Ballina. I addressed the people there at considerable length; I did not canvass the town. I visited some of the electors, but I made no general canvass; everything appeared to me perfectly peaceable and orderly, and I remained there the whole day until the poll the next morning.

13134. Mr. *Montague Smith.*] Did you remain at Ballina for some time in the polling-booth?—Yes, I remained in the polling-booth not quite but nearly from the beginning of the polling till half-past 12 or one o'clock; I am not certain as to the exact time; but a couple of hours. I did not come at the very beginning, but I was, I think, about two hours in the polling-booth.

13135. Was the deputy sheriff in that booth; Mr. M'Donnell?—Yes; Mr. Edward M'Donnell, of Caher.

13136. Was he one of Colonel Higgins's supporters?—Yes. I said that the deputy sheriffs were, for the most part, composed of Colonel Higgins's most unscrupulous supporters, and, except Mr. Sharkie, I certainly regarded Mr. M'Donnell, of Caher, as perhaps the most unscrupulous. I say unscrupulous, because I have seen his name attached to documents, put forward in a very strange, and, in my mind, a very illegal manner by the Poor Law Board of Guardians in Swinford, who have been for several years promulgating political documents signed in the name of the Poor Law Board of Guardians, in which Mr. Edward M'Donnell has always held a very prominent position; I say unscrupulous, because in those documents the interests of Colonel Higgins have been advocated without measure or scruple.

13137. By the Board of Guardians?—By the Board of Guardians in Swinford; mere political resolutions in favour of Colonel Higgins, repeatedly put forward, or from time to time, and almost invariably, if not always, signed in the name of Mr. Edward M'Donnell.

13138. By the *Committee.*] Is he the chairman of the Board?—He sometimes is and sometimes is not, but his name is always attached in some shape or other to those resolutions which I have seen. There was one in particular which I venture to allude to as one instance of what I call advocating interests without scruple. On one occasion it may be remembered that I brought forward a motion——

Mr. *O'Malley* objected.

13139. Mr. *Smith.*] You are prepared to illustrate and to prove what you have said?—Yes.

13140. Was one of the baronies, the poll of which was taken at this place, Tirawley?—Tirawley was one of the baronies.

13141. I believe it was supposed that you and Captain Palmer were strong in Tirawley?—I was informed by my agent that that was a barony in which I was supposed to be very strong, and I also received information from my agent in Castlebar. I do not know whether this will be considered proper evidence; but I was informed that an application had been made by my agent for an additional booth; we were certainly under the apprehension that as there was only one booth, there being upwards of 500 voters in Tirawley, the other booth having been refused, as we understood, we were under the apprehension that we should not be able to poll out all our voters; and great apprehension existed that if any delay was created there would be great difficulty.

13142. The gentleman in that booth was Mr. Edward M'Donnell?—Yes.

13143. By the *Committee.*] Who was your agent?—My agent in Castlebar was Mr. O'Malley; my agent at Castlebar informed me that an application had been made for two booths, which had been refused; and, inasmuch as we had 500 voters there, we were under apprehension that unless considerable dispatch took place we should be in a difficulty.

13144. Mr. *Montague Smith.*] There being but one booth in Ballina, did it appear to you that there was unnecessary delay in the mode in which the poll was conducted?—I thought there was.

13145. Just state the reason for that opinion, if you please?—When a voter was produced, the agent for Colonel Higgins would very properly and legally demand

demand that the oaths should be put to him, upon which the other agent of Colonel Higgins would say, "Oh no, no, no, this is a respectable man, we will not have the oaths put to this man," and then he would state the reasons why he did not think the oaths should be put to that man; upon which the other agent would reply, stating the reasons why he did think the oaths should be put to this man—in this way winking at each other—a little friendly argument used to be kept up, as to whether they would put the oaths or not, to which Mr. Edward M'Donnell listened with the most profound composure, and an occasional smile. In this way a very considerable delay took place. *G. H. Moore*, Esq., M.P. 10 July 1857.

13146. The fact was, that a great number of voters were left unpolled in that barony of Tirawley?—I am led to believe there were.

13147. You left Ballina, I think, in the middle of that day, and went to Swinford?—Yes; I went to Swinford.

13148. Was the polling going on when you were there?—The polling had just closed, and closed with a very large majority indeed for Colonel Higgins.

13149. By the *Committee.*] This is still on the Monday?—The Monday.

13150. Mr. *Montague Smith.*] Did you address the people there?—I addressed the people there. I found them perfectly quiet; they seemed to be rather disappointed at the close of the poll; and not being aware of the state of the poll in other districts, I addressed them upon the subject. I told them that the state of the poll at Swinford was only what we expected; that we had fully made our calculations upon it; I told them the calculation we had made with regard to the poll in other baronies, and I expected that at the close of the poll, indeed I had no doubt that at the close of the poll Captain Palmer and myself would be in a majority of between 150 and 200.

13151. Did anything happen whilst you were addressing them?—This revived the hopes of the people apparently; they grew less despondent, and began to smile, and laugh, and cheer. I may safely say that a more peaceable, good-humoured, well-disposed body of people I never saw assembled together than those I was then addressing. While I was speaking, I saw a large body of police suddenly come down the street, marching in line, apparently directly upon the people. I do not like to exaggerate, but I feel convinced there were from 100 to 150 men; a large body of police: the people immediately they saw them, fled in the wildest fright in all directions down the street, running away as hard as ever they could in a state of terror, such as I certainly never in my life saw displayed before by the Queen's subjects in the presence of the Queen's forces, military or police. I asked the cause of the flight, and I was told that the way in which the police had been managed, under the orders of the magistrate, during the day, had been of a very unwarrantable description.

13152. Who was the magistrate?—Mr. Curran; I was left, in fact alone; the people fled in all directions as if they were being hunted.

13153. By the *Committee.*] Are the police armed?—Yes, the same as soldiers exactly, and they immediately came and drew up opposite to me in military line; I told the officer that I was at a loss to know upon what authority or upon what information he had taken upon himself to act as he had done; that it was the first time in my life that I had ever seen the very respectable body to which he belonged excite terror and alarm in the minds of the peasantry, whom it was their duty to protect; that I should certainly, at a fitting time, make inquiries as to the nature of the scene and the cause of the scene which I had just witnessed; but as I had nothing else to do, and as the people had fled in all directions from me, I would confine my observations to some complimentary remarks upon his own personal appearance, in which strain I proceeded for a short period, and he, seeing that the people were gradually coming back, and that all his policemen were in a broad grin, issued some military mandate which I did not understand, and he and his gallant companions in arms took themselves about their business; I then addressed the people upon the state of the election for a considerable time, and I left them as peaceable and orderly as I found them.

13154. Mr. *Montague Smith.*] You saw the whole of the people before that; were the people violent or riotous at the time?—Not the slightest violence; there was no more cause than there would be if a body of police marched upon the House of Commons.

13155. Was Colonel Creagh in the town?—I understood from his evidence that he was, but I did not see him.

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13156. On what day was this, the Monday or the Tuesday?—It was the close of the first day's polling.

13157. Did you remain in Swinford?—I remained in Swinford till the next day; I left it very early the next day.

13158. The next day I believe you went to Castlebar?—The next day I went to Castlebar; I arrived in Castlebar a little before the close of the poll; I there received news with regard to the polling there, and in the other districts, which satisfied me that we were not mistaken in our calculations; that the state of the poll which I had announced at Swinford as probable at the close of the election was likely to be verified. I also received information with reference to some proceedings which had taken place at Ballinrobe with respect to Mr. Conway; that some threat had been issued with regard to arresting Mr. Conway, and that, under all the circumstances of the case, it would be desirable I should go there the next day, to which the polling had been adjourned.

13159. You heard that the polling had been adjourned at Ballinrobe, and that something had occurred with respect to Mr. Conway, and you were told it was desirable you should go to Ballinrobe the next day?—Yes.

13160. Was that the first intimation that you had of any proceedings at Ballinrobe?—Yes; I went then to Armstrong's Hotel at Castlebar, and addressed the people on the occasion referred to by Sir Richard O'Donnell. It was entirely incorrect, however, to say that I had any committee or committee-room in that hotel, as I have already sta ed. I, however, addressed the people from the hotel; it is the hotel where I always put up when I go to Castlebar; I addressed the people from some window in the hotel for a considerable length upon the general state of the election, and upon the state of the poll; I then went back to Moore Hall.

13161. That was on the Tuesday night?—That was on the Tuesday night.

13162. And you slept at your own house?—And I slept at my own house. The next morning I proceeded to Ballinrobe.

13163. That was on the Wednesday?—Yes. Owing to an accident which occurred to me on the road, an accident which shows the danger of shouting and cheering to the popular, as well as to the unpopular candidate, as I was passing a corner of the road, a body of boys and women rushed out to cheer me; my horses got frightened, rushed to the side of the road, and fell, and one of them was desperately cut, and in fact disabled for life. I was obliged to walk some distance to the house of a gentleman, a supporter of Colonel Higgins, who in his courtesy and chivalry lent me a horse to go into Castlebar. Owing to that I arrived rather late; I was not there until near the close of the poll. I went to Gildea's Hotel, waiting the close of the poll, and while I was there, I was informed that Mr. Conway was in dread of arrest. Nobody that spoke to me knew where he was; they told me he was supposed to be at Mr. Waldron's, at Cong, but no one knew where he was; except that, I was not aware, in fact, that Mr. Conway had been away, and at least I was not aware of any of the circumstances alleged against Mr. Conway. I knew nothing of any of the transactions that had taken place at Ballinrobe during the election. I was aware that a placard of some description had been issued by Mr. Conway, asking the people to remain quiet, but I had not seen it. I was only at Ballinrobe a very short time before the close of the poll, and all the people who spoke to me about this matter, spoke of the apprehension of Mr. Conway, and his being supposed to be secreted at Cong, as a joke.

13164. In fact, you did not know where he was?—I was not aware, until told by Mr. James here, where he was. I did not know where he was. At the close of the poll I proceeded to address the people, and, as I stated in the evidence, I began my address by saying, "I should like to know whether any one can tell me where is Father Conway?" I said this entirely in a bantering tone; I really did not know where he was, and every one who had been speaking to me of the fact had been speaking of it as a joke, and in that tone I spoke of it myself.

13165. I believe you made a sort of bantering speech?—I said, "Where is Mr. Conway?" Upon which, so far from the people being irritated or excited by this inquiry, it was greeted by a general smile. They might have known where he was; I did not know. I suppose, probably, they did know where he was. But so completely was it met in that spirit, that I said it really was not a matter for laughter; that it was a very grave subject; and that although the fact of an old

old woman like Mr. Courteney Kenny turning priest-hunter in his old age might be a thing in itself ridiculous, still, from the manner in which the election had been conducted, this circumstance must be a matter which, even in the moment of success, we could not but consider as a matter of great gravity. I then proceeded to describe the mode in which the election had been conducted; the appointments of the deputy sheriffs in the interest of one of the candidates, and the manner in which I understood they had all carried out their duties; and as I was speaking, Mr. Sharkie appeared in a car, escorted by the police.

13166. I think they were dragoons?—I beg pardon, escorted by a body of dragoons. I had some knowledge of this Mr. Sharkie before; I had seen him on one occasion come into a meeting in Dublin for the purpose of interruption, and anything more scandalous or outrageous than his conduct I had never seen.

13167. By the *Committee.*] Was that the meeting he referred to here?—It was the meeting he referred to here, in which he interrupted every one in the most outrageous way, and conducted himself generally in the most scandalous manner I have ever witnessed; and for other reasons, I had not, certainly, the most high opinion of Mr. Sharkie; accordingly, when I saw this fellow escorted in state out of the town by the dragoons, I said, as near as possible, I think, this: that the illustrious stranger who was then leaving the town had appeared just in time to "point the moral and adorn the tale." I had been telling, that the high sheriff of the county having been unable to find in the whole county more than eight men able adequately to represent his virtues, had looked through all Ireland for a ninth, and had found him in Mr. Sharkie. I am quite sure, so far from this being intended or having the effect of exciting the people to violence that there was not a man in the crowd who did not take it in the spirit of ridicule in which it was intended, except the amiable Mr. Sharkie himself. And I wish particularly to draw the attention of the Committee to the facts which I am going to state; he suddenly raised himself up in his car, held up the book which he had in his hand, just in this way (*describing the same, as tapping several times on the book*), and pointed up to me. The whole of that admonitory address which he says he directed to me is a complete fabrication; he never uttered one syllable of that, I am quite certain. I was looking at his face; I not only judge from not hearing the words, but any one knows who looks in a man's face whether he is speaking or not, and the man did not utter a single word; he tapped the poll-books with an air of triumph, and held them up to me, shaking them. The words I said, as near as possible, were these, and I am the more particular as to my memory of this matter from the fact that I repeated the story immediately afterwards to several people, therefore I am certain as to what occurred. I beg to say, that at the moment when he came opposite to me, there was a very dense crowd of people, and there was great difficulty in getting through; he was proceeding through the opening very slowly, as a cart came across at the moment, and there was a stoppage just as I was speaking. I said, "I am at a loss to understand what you mean by holding up the poll-books to me with that air of triumph; you cannot mean to record the success of your master; you cannot mean that you feel joy in his defeat; and therefore the only meaning I can attach to your gesture is, that you intend to falsify the poll-books; I think you are quite capable of doing so, but I warn you that it is a dangerous practice." Mr. Sharkie has said that he was then greeted with a shower of stones; that is utterly untrue; no such thing occurred.

13168. Mr. *Montague Smith.*] Were there any stones thrown?—Certainly not at that time; of course I cannot answer whether stones were thrown afterwards, but at that time, or within my sight, or anywhere near where we were speaking, no stone was thrown.

13169. The next day you went to Castlebar, I believe?—I was at Castlebar at the declaration; no, the day before the declaration I was at Castlebar; the declaration was on the Friday, and I was at Castlebar on the Thursday. In the evening I was present while a case was being tried before the high sheriff, which was rather an extraordinary one. Colonel Higgins made an application, through his agent, that some 100 votes, to which he had been pleased to object, should be struck off the poll by the sheriff so as to place him in a majority. This outrageous proposition, as we believed it to be, was seriously entertained; it was argued before the sheriff; and one or two—certainly one, and I think two,

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decisions were given as to certain votes; it was not until Colonel Higgins's counsel felt themselves in some difficulty as to the proof of what they wanted to make out, that this question was adjourned to the next day, the day of the declaration. Upon arriving at the hustings, the assessor stated that he had that morning informed the high sheriff that if he were to alter the poll-books, alter the result of the poll, under the objections of any candidate, he would in his opinion be acting illegally, and the assessor went on to make what appeared to me the following very remarkable observation, which I took down at the time, and which I commented upon at the time: "It is greatly to the credit of that gentleman, the high sheriff, that on being informed of this fact he has declined to take the course in question, and has reserved his future proceedings in this matter for a petition to the House of Commons." I was so surprised at this statement, that I thought I must have misunderstood him when I imagined that he spoke of the high sheriff as having reserved his future proceedings for a petition to the House of Commons. I asked if he was alluding to Colonel Higgins, and he said, "No; to the high sheriff." Captain Palmer and myself were then, of course, declared elected; the sheriff, in declaring the state of the poll, announced that if any one attempted to cheer he would have him committed and clear the court.

The *Chairman* suggested that the statements now being made as affecting the assessor and the high sheriff, who could not be called to contradict them, were scarcely fair.

Mr. *Montague Smith* stated that they arose out of the evidence for the Petitioners, but after that intimation he would not pursue them.

13170. Mr. *Montague Smith.*] I think we may as well pass from that; I will come to one or two matters which have been mentioned in the evidence. We have brought you now to the close of the election; my learned Friend asked, I think, the Archbishop whether the subscriptions for the defence of the seat had not proceeded entirely from the priests; several questions were asked about that; how is that?—That is not the fact.

13171. Are there subscriptions?—I have calculated the amount of the subscriptions that I have received from the priests in Mayo, and the money that I have received from laymen; in that I do not include money collected at the chapels; the subscription to my defence fund received from the laymen is rather larger than that which I have received from the priests; about the same, or rather larger. I exclude chapel collections from the category altogether, as being of a mixed nature; but the subscriptions from laymen absolutely are equal to those which I have received from the clergy, or rather larger.

13172. There are one or two general questions which I have to put. The names of several priests have been introduced here, Mr. Ryan, Mr. Reynolds, and other gentlemen; were they in any way employed by you in the business, or the conduct of the election?—Certainly not; I had no communication with them at all previous to the election, except that which has been published in the papers, and which was directed to them in a letter, of which, of course, every one is aware. I had some time previous to the election in the course of last year communications with some of the proprietors, friends of mine, as to the support of the landed proprietors to a candidate put forward by them, Sir Robert Bloss. Upon that occasion I stated what my views were, and they asked me how far I could assure them that the Roman-catholic clergy would carry out my views; I told them I could give them no assurance whatever beyond this: that it was my firm belief that their opinions were the same as my own; that, of course, if the matter were carried out, I would exert my influence, as far as I could, to support their candidate with the Catholic clergy as well as with any others of my friends; but that they must ascertain the views of the Catholic clergy from the Catholic clergy themselves. Shortly before the election, Sir Robert Bloss wrote to me to know whether my views in the matter had undergone any alteration; I replied they had not; I received two or three very pressing letters about the clergy, but I gave no answer whatever; I left them to make what arrangements they pleased with the clergy as with any other electors in the county; but I did upon one occasion, which is perfectly well known, express my opinions to the clergy as I would to the landlords, or any other body. The communications that I had with the landlords upon the subject were very frequent and very intimate; and the combination of the landlords to carry out this purpose was very deeply organised and planned.

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The combination of the clergy, as far as I know of it, was very desultory and weak. My communication with the landlords, as I said before, was very frequent and very intimate; with the clergy I had very little, being perfectly satisfied of their views; and I had very little communication with them upon the subject, being so satisfied. I do not think I wrote a letter at all to any of them, except the public letter, which is well known. I think it right to say, with reference to one observation, which I think may have been misconstrued, with reference to the phrase I used, as applied to Colonel Higgins as a politician, that I applied those observations to him in his political character and in his public character; I intended no disrespect to him in his private or personal character; it was solely with reference to his political conduct as regards the pledges he gave, and as regards the manner in which I believe, politically, he violated those pledges; but if any phrase which I used might appear to reflect upon his personal character, I regret that I used it.

Mr. *O'Malley* stated that he did not propose to cross-examine Mr. Moore.

Mr. *Montague Smith* stated that that was the case on behalf of the Sitting Member.

The Honourable *Jeffrey Brown*: I wish to explain an answer which I gave in my examination. It is number 7866; the words are, "I do not know; I thought they would make out any case they could; strong swearing does a great deal." I think it right to say that I am told Colonel Higgins's supporters thought that I applied those words to them all. I merely wish to say that I am sure there are very many gentlemen who supported Colonel Higgins who would not in any case forswear themselves.

Mr. *Karslake* was heard to sum up the evidence on behalf of the Sitting Member.

[Adjourned till To-morrow, at Eleven o'clock.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and those following *Rep. p.* to the Paging of the Report.]

A.

ABDUCTION of Voters. Number of voters at the house of witness's son, near Newport, on Sunday evening, the day before the polling; they were there by their own wish through fear of abduction on account of the altar denunciations of the Rev. Luke Ryan, *Sir R. O'Donnell* 5798-5801. 6161-6171. 6286-6292——Witness was at his son's house on the Sunday evening when the Newport voters were there, *ib.* 6172-6180.

A voter named Frank Sweeney came to the house when witness was there; he appeared to be drunk, *Sir R. O'Donnell* 6181-6188. 6191——He was not locked up in the house *ib.* 6189, 6190——Sweeney did not vote at all, *ib.* 6193, 6194——Mr. Pike, a deputed magistrate, was in the house when Sweeney came, *ib.* 6195, 6196——Sweeney asked for some wine to drink Colonel Higgins's health, *ib.* 6197-6199——Witness did not ask Sweeney to vote for Colonel Higgins, nor did Mr. Pike do so in witness's presence, *ib.* 6199-6200.

Witness lives at Probanny; is a voter for the barony of Burrishoole, *Sweeney* 12751, 12752——On Sunday before the election started on a car for Castlebar, a distance of 27 miles, in order to vote for Moore and Palmer, *ib.* 12753-12759. 12761——Particulars as to the car having been stopped for a time by some men near Newport Pratt, *ib.* 12760-12474——There were two other cars besides the one in which witness was, *ib.* 12775——Particulars as to the cars having been stopped a second time in Newport, and the voters taken by the people into a house there, *ib.* 12776-12788.

Reference to a voter named M'Hale, who, as well as witness, was taken from the car, and afterwards brought to the house of Mr. George O'Donnell, the son of Sir Richard O'Donnell, *Sweeney* 12781-12792——When witness was taken by the people, who were very numerous, to the house of Mr. George O'Donnell, it was past 10 o'clock in the evening, *ib.* 12789-12799——Sir Richard O'Donnell, Mr. William Pike and other gentlemen, were in the house when witness and M'Hale were taken there, *ib.* 12802-12814. 12917-12922——Witness was struck by Sir R. O'Donnell's gate-keeper, and was much hurt, *ib.* 12803. 12829. 12984-12987. 12998-13001.

Statement as to Sir Richard O'Donnell having pressed witnesses to drink spirits or wine, and having wanted him to vote of Colonel Higgins, *Sweeney* 12816-12827. 12923 *et seq.*——Witness and M'Hale were not allowed to leave the house during the night, *ib.* 12830-12838—— Particulars as to witness and M'Hale having been taken on Monday morning by some men to an island near Mr. O'Donnell's house, and kept there till Tuesday evening, *ib.* 12839-12863—— They were brought away from the island about six o'clock on Tuesday evening, but the polling at Castlebar was then over, *ib.* 12864-12872.

Witness was not near Sir Richard O'Donnell's house, *Sweeney* 12613-12916——To the best of his reccollection he did not ask to drink Colonel Higgins's health when at Mr. O'Donnell's, *ib.*, 12928-12948—— He was very much frightened and confused when in the presence of Sir Richard O'Donnell, Mr. Pike, and the other gentlemen, *ib.* 12945-12958. 13003-13008——He had been drinking before he arrived at Mr. O'Donnell's, but was not drunk, *ib.* 12959-12974.

Further statement as to witness's having been taken to the island and kept there; he subsequently went to Castlebar to lay information against the men who took him there, *Sweeney* 12997-13002——Mr. O'Donnell's house is near Newport, *ib.* 12990, 12691——Witness does not recollect having seen Mr. O'Donnell or Sir Richard O'Donnell after being in the room with them when he was asked to have some wine, *ib.* 12992-12996.

See also *Dunleary, Michael.* *Durcan, Michael.* *Information. Undue Influence.*

Adjournment of Poll (Ballinrobe). On Tuesday the 7th April, witness was in the Kilmaine booth till the polling was adjourned on affidavit; the adjournment was very proper, *French* 1147-1163——Particulars as to witness's having on Tuesday made an affidavit relative to some violent proceedings towards his father and himself on the Sunday, on the ground partly of which affidavit the poll was adjourned, *Burke*, 1613-1641.

Adjournment of Poll (*Ballinrobe*)—continued.

On Tuesday, at ten minutes past one, witness adjourned the poll in the Kilmaine booth; examination in justification of this proceeding; explanation relative to and production of the affidavits on which the adjournment was made, *Sharkey* 5215-5233, 5434-5492. 5503-5506. 5548, 5549. 5553-5556——Circumstance of witness having refused an application for an adjournment of the poll on the first day; it was not adjourned for any time whatever on that day, *ib.* 5228. 5431-5433. 5506. 5548. 5553-5556——Reference to a remonstrance addressed to witness, relative to the adjournment of the poll on the second day, *ib.* 5436-5442——When the poll was being adjourned, Captain Palmer's agent stated that he had voters in the court to poll, *ib.* 5456. 5480, 5481——Power of witness to have cleared the booth, but not to have directed the military in the town, *ib.* 5457-5466——It was the violence, or fear of violence, in the town, as sworn to in the affidavits, and not any disorder in the booth, which decided witness to adjourn the poll, *ib.* 5468-5479.

Belief as to the polling in Kilmaine booth having been adjourned for an hour in the afternoon of Monday, *Knox* 7039-7043. 7246-7250——Particulars relative to the adjournment or intended adjournment by Mr. Sharkey, of the Kilmaine booth, on the afternoon of Monday, *Sir R. Bloss* 7373-7401. 7447-7449. 7587, 7588. 7553-7560——Circumstance under which witness became aware that Mr. Sharkey had closed, for a short time on Monday, the booth in which he presided, *Honourable J. Brown* 7691-7701. 7716-7719.

Agents. Witness is an attorney; resides partly at Ballinrobe; was one of Colonel Higgins's agents, *Griffin* 1785, 1786. 1790——Witness has been agent for Colonel Higgins at former elections, but never before canvassed for him, *ib.* 2106-2119.

Mr. Moore did not seem to have any legal agent in bringing up his voters at Castlebar, but the priests were the best agents he could have had, *Sir R. O'Donnell* 5823-5826. 5900-5919.

Witness took an active part at the election in behalf of Captain Palmer; was not a paid agent, *James Jordan* 7935-7939. 8163-8166——Mr. Sheridan was an agent of Mr. Moore, but not a paid agent, *ib.* 8369, 8370——Witness was offered forty guineas to become Captain Palmer's agent, but declined, *ib.* 8369, 8370——Belief that Mr. Moore had no agent at Swinford, *ib.* 8675.

During the polling witness on the part of Mr. Moore and Captain Palmer, made memorandums of the electors, and how they voted, *M'Greal* 11382-11388.

With regard to Mr. Sheridan, Mr. James Jordan and others, who frequented witness's hotel at Castlebar, witness cannot say that they were transacting business for Mr. Moore, *Armstrong* 12354-12366. 12445, 12446.

Names of the agents at Ballina for the several candidates, *F. O'Donnell* 12547, 12548. 12615-12619.

Resolution of the Committee that George Henry Moore was by his agents guilty of undue influence at the election, *Rep. p.* iii.

See also *Roman Catholic Clergy.*

Altar Denunciations or Addresses. It is not customary for priests to speak in chapel on general topics, but it is sometimes done, *French* 1096-1102——The priests frequently address their congregation on general topics from the altar, *Sullivan* 3267-3275; *J. Jordan* 7962, 7963——In Swinford it is a very unusual thing for a priest to address the congregation from the altar on such topics as that of an election, *M'Manus* 3594-3613——Witness has heard a layman address the congregation in chapel, *ib.* 3647-3654——During former elections, the priests at Bahola have addressed the congregation from the altar on election matters, *Lavin* 3870-3880——It is not at all usual for a layman to address the people in chapel, or to interrupt any address by the priests, *ib.* 3882-3884——Since the election, witness has remained away from mass through fear of being spoken against in chapel, *Gannon* 4954-4257. 4966-4968——Witness, who is a Protestant, cannot speak directly on the subject of the altar denunciations, *Sir R. O'Donnell* 6280-6284.

Question as to what constitutes a denunciation, *Archbishop M'Hale* 6659-6668. 6672——Disapproval of denunciation by name from the altar, *ib.* 6668, 6669. 6672——When all the circumstances of any case are known to witness, it will be time for him to state his opinion, and act thereupon, *ib.* 6668-6671. 6677——No complaint has been made to witness of the conduct of any priest in regard to altar denunciations; nor has the fact of such denunciations been officially made known to him, *ib.* 6673-6680.

See also *Cahill, Rev. Mr. Conway, Rev. Peter*, 1. *Halligan, Rev. Mr. Joyce, Rev. Michael. Reynolds, Rev. Peter. Ryan, Rev. Luke.*

Armstrong, Thomas. (Analysis of his Evidence.)—Hotel-keeper at Castlebar, 12296——Voted at the last election for Moore & Palmer, 12297-12299——About ten rooms of witness's house were taken for the election by Mr. Palmer's agent, 12300-12303——Outside

Report, 1857—*continued.*

Armstrong, Thomas. (Analysis of his Evidence)—*continued.*

Outside the hotel were placarded the words, "Vote for Moore & Palmer;" the words "Committee-room" were never placed there, 12304–12311. 12319–12322——Castlebar was very peaceable during the election; more so than at any former election that witness remembers, 12312——Mr. Moore always used witness's hotel when he came to Castlebar, and did so during the election, 12312–12317.

Several priests who took an interest in Mr. Moore's return were in and out of the hotel during the election; they probably supported Mr. Palmer as supporting Mr. Moore, 12323–12346——Reference to a meeting of several priests at the hotel; it was not held on any room engaged for Mr. Palmer, 12340–12344. 12434–12437——Reference to Mr. John Martin Sheridan, as one of those who frequented the hotel during the election, 12347–12353. 12363–12365. 12446–12448——With regard to Mr. Sheridan, Mr. James Jordan, and others, who frequented the hotel, witness cannot say that they were transacting business for Mr. Moore, 12354–12366. 12445, 12446——Mr. Moore addressed the people from the hotel, from a room not engaged for Mr. Palmer, 12367–12375. 12440–12443.

Witness has heard Mr. Hosty and Mr. Green speak from the altar relative to the election, and tell the congregation to support Moore & Palmer, but does not recollect any severe language towards Colonel Higgins, 12377–12404——The petition against Mr. Moore was read from the altar and commented on, but witness does not know whether Dr. M'Hale was present at the time, 12405–12416. 12438, 12439——Witness does not know of any subscription having been made at the chapel for the Moore indemnity fund, 12417–12423. 12449, 12450—— A subscription has been spoken of to witness, and he has said he would give a pound to it, 12423–12433.

Armstrong's Hotel (Castlebar). Armstrong's hotel, at Castlebar, was frequented by Captain Palmer's agents and friends; the inscription outside was merely, "Vote for Palmer and Moore," *J. Jordan* 8150–8162——Witness, as proprietor of the hotel, voted at the last election for Moore and Palmer, *Armstrong* 12297–12299——Mr. Moore always used witness's hotel when he came to Castlebar, and did so during the election, *ib.* 12312–12317.

Assessor. Comment on the remark by the assessor, at the declaration of the poll, with reference to the high sheriff reserving his future proceedings for a petition to the House of Commons, *Moore* 13169.

B.

Ballina. On 17th March witness and Colonel Higgins went to Ballina to canvass, *Sir R. O'Donnell* 5578——Ballina is the town of Tyrawley barony in which there are more than 500 electors, and is the most important town in Mayo, *ib.* 5579–5581. 5584——Excited state of the town when Colonel Higgins and witness arrived there; they were, in fact, obliged to leave the place without any proper canvass, *ib.* 5582–5599. 5978–6012——Part taken by two priests and the clerk of the chapel, more especially by the latter, in creating excitement against Colonel Higgins, *ib.* 5588–5597. 5986–5992——Witness and Colonel Higgins were again near Ballina on 23d March, but could not canvass the town on account of the excitement, *ib.* 5626–5630.

On Sunday, 5th April, witness was at Ballina, and addressed the people; the town was perfectly peaceable, *Moore* 13133.

Statement showing the number of electors polled respectively for Higgins, Moore and Palmer, at the Ballina polling-booth, *p.* 447.

See also *M'Donnell, Edward.* *Polling Booths*, 1. *Tyrawley Barony.*

BALLINROBE:

I. *Evidence on the Part of the Petitioner:*

1. Attack on the Claremorris Voters, when entering the town on the evening before the Polling.
2. Violent and excited State of the People during the Election.
3. Necessity of Escorts for the Voters.
4. Attack on the Deputy-sheriff by a Crowd which was being addressed by Mr. Moore.

II. *Evidence on the Part of the Sitting Member:*

1. Different Version of the Proceedings in regard to the Claremorris Voters.
2. Comparatively quiet State of the Town during the Election; Absence of Violence.
3. How far Escorts were necessary.
4. Different Version of the (so-called) Attack on the Deputy-sheriff.

III. *Number of the Constituency, and Result of the Polling.*

Report, 1857—*continued.*

BALLINROBE—continued.

I. *Evidence on the Part of the Petitioner:*

1. Attack on the Claremorris Voters when entering the town on the evening before the Polling:

On approaching Ballinrobe on Sunday afternoon, the 5th April, as magistrate in charge of the Claremorris voters, witness found it necessary to increase his escort of twenty-five dragoons, by twenty-five infantry and some police from the town, before he ventured to go on with the voters to the hotel of Colonel Higgins, *Ruttledge* 110-123. 129, 130——Approach of the voters and escort to the hotel, by a lane leading to the hotel yard, *ib.* 124-132——Particulars as the great violence experienced by the voters before they could get from the lane into the hotel yard, and subsequently into the hotel, with which the yard was not in direct communication, *ib.* 132-181——Witness and several voters were struck with stones on this occasion, *ib.* 163. 176——Circumstance of Mr. Bourke having threatened the mob with a pistol if they molested his voters; whereat Father Conway at once disappeared behind the wall, *ib.* 164, 165——Impression that Mr. Bourke did not present his pistol at Father Conway, *ib.* 345, 346. 349——Explanation as to Mr. Bourke having subsequently given up his pistols to Mr. Arabin, stipendiary magistrate, *ib.* 350-356.

On Sunday, 5th April, witness went with a party of voters for Colonel Higgins from Claremorris to Ballinrobe, escorted by Mr. Rutlidge and a party of dragoons, *Prendergast* 391-400——Approached the hotel at Ballinrobe by turning up a lane, having been previously joined by an additional escort from the town, *ib.* 401-405——On passing through the lane the voters were attacked by a considerable mob, part of whom, from their position, commanded the wall by the side of the lane, *ib.* 407-415. 529-536. 556. 624-634——Before Father Conway's disappearance from the wall several stones had been thrown at the voters, *ib.* 556. 624-627——Witness does not know at whom the pistol was presented by Mr. Bourke, *ib.* 558-561.

Before entering Ballinrobe with the voters collected by witness in Claremorris, a further escort was procured from the town, *Bourke* 719——Order in which the voters and escort went up the lane leading to Monahan's hotel, *ib.* 721-723. 748-750——On going up the lane a large mob, with Father Conway at their head, came running in at the further end, but was stopped by the dragoons from going as far as the gateway to the yard of the hotel, *ib.* 724. 727-737——Width of the lane, *ib.* 725, 726——Some of the mob got mixed with the voters, and were dragging one of them along, when witness rescued him, *ib.* 737-742——Attempt made subsequently to drag witness off his horse into the yard of Gildea's hotel, which was on one side of the lane, and belonged to the opposite party, *ib.* 742-747——Stones were thrown at the voters by the people on the wall, *ib.* 757-759. 762, 763. 906, 907.

Particulars as to witness, when the stones were being thrown, having presented a pistol at Father Conway, and threatened to shoot the first man who again threw a stone, *Bourke* 767-769. 940-947——Effect of this threat in causing Father Conway and the mob to keep behind the wall, whilst the voters were being got into the yard, *ib.* 769, 770. 780——Father Conway complained of witness having aimed a pistol at him, and witness subsequently gave up his pistols to Mr. Arabin, stipendiary magistrate, *ib.* 774, 775——Witness was in such a hurry at the time that he did not cock the pistol, *ib.* 947.

There was a very excited mob about the lane leading to the back of the hotel, *O'Connor* 1219-1221——Witness saw several stones thrown by this mob, *ib.* 1222——Monahan's hotel and Gildea's hotel are on a line, a lane intervening, *ib.* 1288——Position of witness and the police under his charge with reference to the hotels, *ib.* 1288. 1295, 1296——Witness did not see Mr. Bourke arrive with the voters, nor threaten to use a pistol against the mob; nor did he subsequently hear the crowd complain on the subject, *ib.* 1292-1304. 1348-1352.

In consequence of a message received by witness on Sunday afternoon, he sent out an escort to meet the Claremorris voters, *Griffin* 1809-1811. 1814, 1815——Particulars as to the violent treatment of these voters when entering Monahan's hotel by a lane at its back, *ib.* 1812, 1813. 1816-1830——Witness saw stones thrown, and the voters kicked, when on their way to Monahan's hotel, *ib.* 1826-1830——Further statement relative to the proceedings in question, *ib.* 2138-2157.

2. Violent and excited State of the People during the Election:

So violent were the people that witness, who was previously not an unpopular man, could not leave the hotel for two or three days, and required an escort to protect him to the polling place, which was within 100 yards, *Ruttledge* 182-186. 193-198. 204-211——Witness never saw so violent a mob at any election as the mob at Ballinrobe, *ib.* 187. 191, 192. 290-295——The tenants of witness voted one by one at Ballinrobe, and were not noticed, *ib.* 256, 257. 263-268.

Particulars as to the violence of the mob in Ballinrobe towards Colonel Higgins's supporters, and the disturbed state of the town, from Sunday till Tuesday the 7th April, *Prendergast* 455-495. 504-586. 637-654——The crowd in Ballinrobe on Monday may be

Report, 1857—*continued.*

BALLINROBE—continued.

I. *Evidence on the Part of the Petitioner*—continued.

2. Violent and excited State of the People—*continued.*

have been drawn there by the market on that day, but not for the sake of fun at the election; there was no fun in the market at all, *Prendergast* 564-572——The town was greatly excited and crowded on Tuesday as well as Monday, *ib.* 637-644. 653, 654.

The mob were extremely violent and excited against Mr. Moore's opponents, *Bourke* 787-791——The town was perfectly quiet on the Saturday and the earlier part of Sunday, *French* 1020. 1049——Excited state of the town on and after the afternoon of Sunday, *ib.* 1049-1057. 1126-1129——Dirt was thrown at Colonel Higgins and Mr. Bourke, and the colonel required a large escort wherever he went, *O'Connor* 1263-1265——Witness could not leave Ballinrobe on Monday through fear of the mob, *Burke* 1610-1612——Quiet state of the town on Wednesday after an address from Mr. Conway to the people had been placarded about, *ib.* 1661-1663——Several of Colonel Higgins's supporters were attacked and ill-used by the people, *Hearne* 1713-1722. 1726, 1727.

Evidence as to the violence of the mob on Sunday afternoon and evening; the hotel was in a state of siege, and witness found great difficulty in reaching his house, *Griffin* 1831-1856——Particulars as to several supporters of Colonel Higgins, including witness, having been ill-used and struck on the day of election, *ib.* 1875-1905——Witness was at the hotel as late as half-past nine on Sunday evening; he then went to his own home, which is in the town, *ib.* 2158-2169——Excited state of Ballinrobe when Colonel Higgins and witness entered it on Sunday evening, *Bellchambers* 3354——The town was in a most excited state up to Wednesday, when, in consequence of Father Conway's placard, it was quiet, *ib.* 3360-3372.

Ballinrobe was in an exceedingly excited state, both on Monday and Tuesday, and escorts were necessary for all Colonel Higgins's supporters, *Sharkey* 5240-5242. 5468-5472. 5507——On the Tuesday, the second day of polling, witness seized and gave over to the police at Ballinrobe a man whom he saw aiming a deadly blow at another man, *ib.* 5472——Witness had some conversation with Colonel Knox and Sir Robert Bloss, who were not of his opinion as to the disturbed state of the town, *ib.* 5508-5518.

3. Necessity of Escorts for the Voters:

Escort required by all Colonel Higgins's voters in going from the hotel at Ballinrobe to the polling place, *Ruttledge* 196-203——Mr. Moore's voters were quite unmolested, *ib.* 254, 255. 383——Necessity for the voters to be escorted when going to the poll, or to any distance from the hotel, *Prendergast* 465-472. 494, 495. 644-651——Statement as to its having been necessary to guard Monahan's Hotel during the election, and to escort Colonel Higgins's voters to and from the polling booths, *Bourke* 781-789. 929. 1006-1009.

On Monday the 6th April witness brought four voters under escort to Ballinrobe, and they plumped for Colonel Higgins, *Burke* 1586. 1603-1609——Impossibility of getting the voters to the poll at Ballinrobe without strong escorts, *Griffin* 1865-1867. 1872——Whenever Colonel Higgins went about during the election, he always had an escort, *Bellchambers* 3405-3407. 3413-3416.

4. Attack on the Deputy Sheriff by a Crowd which was being addressed by Mr. Moore:

Circumstance of Mr. Sharkey, deputy sheriff, having passed by and been pelted with stones whilst Mr. Moore was speaking to the people at the close of the poll on Wednesday; Mr. Moore spoke very strongly against him, *Hearne* 1732-1737——Circumstance of Mr. Sharkey having held up the poll-books and drawn attention to it after he had been pelted by the people, *ib.* 1762-1764. 1781-1783.

Statement as to witness, after leaving the polling-booth on Wednesday, having passed with an escort in front of a window, from which Mr. Moore was addressing a great crowd or mob, *Sharkey* 5233-5236. 5525-5530——Violent demeanour of this crowd towards witness, in consequence of some remark of Mr. Moore, *ib.* 5237-5239. 5531——Witness thereupon became alarmed, and, holding up the poll-books, called upon Mr. Moore in the name of Her Majesty to protect him, *ib.* 5239. 5532. 5533——Mr. Moore subsequently said something about witness tampering with the poll-books, *ib.* 5239——After he had done so there came a shower of stones, one of which passed close to witness and struck a dragoon, *ib.* 5239. 5534-5537——Witness was escorted part of the way from Ballinrobe, and then went on by himself to Castlebar without being molested on the way, *ib.* 5239. 5541, 5542.

II. *Evidence on the Part of the Sitting Member:*

1. Different Version of the Proceedings in regard to the Claremorris Voters:

Witness saw the conclusion of the occurrences on the Sunday evening, in the lane leading to Monahan's hotel yard; he did not see any violence used towards Colonel Higgins's voters, *Martyn* 9860-9887.

Report, 1857—*continued.*

BALLINROBE—continued.

II. *Evidence on the Part of the Sitting Member*—continued.

1. Different Version of the Proceedings, &c.—*continued.*

On witness, and the dragoons under him, approaching Ballinrobe with the Claremorris voters, some infantry and police came from the town to increase the escort, *Graburn* 10546. 10613–10619—— It was not a wise course to enter Ballinrobe by the lane leading to the back of the hotel, on account of the wall on each side, *ib.* 10547–10549. 10620–10622. 10689–10692——There was a large mob in the main street, and witness posted some of the men at the end of the lane, so as to keep the crowd out, *ib.* 10550–10553. 10623–10631——Some stones were thrown from the wall, or from behind it, *ib.* 10554——By witness's direction one of the constabulary cleared the wall, *ib.* 10555, 10556——Witness and five dragoons kept back the crowd from entering the lane, but six or seven of them got through and made some slight interference, *ib.* 10632–10640. 10679–10682. 10701–10705——Belief that all the voters were got safely into Monahan's hotel; there was no material difficulty in the way, *ib.* 10641–10644. 10693–10696. 10701–10705.

On Sunday witness saw Mr. Isidore Bourke, his son, and a large party of voters, come up the lane leading to the back of Monahan's hotel, *Welch* 10709–10712. 10718, 10719 ——As the voters came up the lane witness stationed himself within Gildea's hotel yard, which is separated by the lane from the yard of Monahan's hotel, *ib.* 10719–10723—— Several others besides witness got into the yard before the voters had come up so far as the lane, *ib.* 10724, 10725. 10733. 10765–10768——Some stones were thrown at a window in Mrs. Monahan's yard, but none were thrown at the voters or Mr. Bourke, so far as witness, from his position, could see, *ib.* 10725. 10728–10732. 10769–10777—— Mr. Bourke, jun., tried to keep a man of the name of Jennings from going down the lane, but the latter seized the reins of Mr. Bourke's horse and got by, *ib.* 10726, 10727.

From witness's position he could not see everything that was passing in the lane, *Welch* 10775–10781——There were some cars near the wall of Gildea's yard, and by these and other means five or six persons got on the wall, as well as Father Conway, *ib.* 10786–10792. 10943–10954——Feeling of curiosity which induced witness to see the voters come up the lane on Sunday; he did not know which party they were till he saw them, *ib.* 10911–10921. 10927–10934—— The gate of Monahan's yard being closed when the voters came, delayed them for a considerable time in the lane, *ib.* 10932–10933. 11003–11005.

Circumstance under which witness was close to the gate of Mrs. Monahan's yard when Colonel Higgins's voters were in the lane on the afternoon of Sunday, *Fleming* 11041–11049. 11134–11137——Particulars as to Mr. Joseph Bourke having presented a pistol at Mr. Conway, and as to his having subsequently given up his pistols to Mr. Arabin, *ib.* 11066–11075——The gate to Monahan's yard was not closed when witness was there; but it took some time to get the voters into the yard, *ib.* 11076–11085.

2. Comparatively quiet State of the Town during the Election; Absence of Violence.

Apparently quiet state of the town on Sunday evening, the 5th of April, when witness happened to pass through it on his way home, *Knox* 6977–6988. 7127–7142. 7275–7279 —— Considerable noise and shouting going on during the polling on Monday, *ib.* 7003–7005. 7119–7126——Absence generally of violence, either to persons or property, *ib.* 7006. 7058. 7082. 7107, 7108——On Monday, as being market-day, there was an increased crowd in Ballinrobe, *ib.* 7015, 7016——So far as witness was aware, there was no riot or violence during the night of Monday, *ib.* 7050–7053——Nor did he see any violence or disturbance during Tuesday, *ib.* 7054–7060. 7081–7098. 7176. 7207–7210 ——Particularly quiet state of the town on Wednesday; printed address by the Rev. Mr. Conway adverted to hereon, *ib.* 7099–7106. 7176–7179.

Witness was in Ballinrobe from Monday morning the 6th of April, till about 12 o'clock on Wednesday, *Sir Robert Bloss* 7297–7299. 7304–7306——On the morning of Monday Ballinrobe was very full of people, but very quiet, *ib.* 7300–7303——There was a good deal of excitement during the day, and much shouting and hooting, but witness did not see any violence committed, *ib.* 7314–7332——Ballinrobe was quieter than it usually has been at former elections, *ib.* 7317. 7458——Quiet state of the town on the second polling day; witness saw no violence committed, *ib.* 7333–7346. 7406. 7412–7455. 7458–7460.

Witness arrived in Ballinrobe from the neighbourhood of Claremorris early on Monday, the 6th of April, and there was no excitement whatever at that time, *Honourable J. Brown* 7661–7670——There was much shouting and cheering outside the Claremorris booth, but no violence was committed, *ib.* 7675–7677. 7688–7691. 7710, 7711. 7720–7722. 7820. 7834–7839——On the Tuesday there was less excitement than on Wednesday, and no act of violence was committed, *ib.* 7723–7733. 7821–7838——Very quiet state of Ballinrobe before and after the adjournment of the poll on Tuesday, *ib.* 7749–7757—— Ballinrobe was particularly quiet on Wednesday, and there was scarcely any one about, *ib.* 7758–7760——Colonel Higgins and the sub-sheriff drove out of the town on Wednesday,

Report, 1857—*continued.*

BALLINROBE—continued.

II. *Evidence on the Part of the Sitting Member*—continued.

2. Comparatively quiet State of the Town, &c.—*continued.*

Wednesday, without even a shout at them, *J. Brown* 7760–7763——Belief that Mr. Conway's placard, dated Tuesday evening, was not at necessary to procure quiet on Wednesday, *ib.* 7848–7852. 7913–7918.

Very quiet state of Ballinrobe on Wednesday the 7th of April; placard issued by the Rev. Mr. Conway, adverted to hereon, *Lord J. Browniey* 9524–9528. 9558–9565——Monday was a market-day, on which day Ballinrobe is always much crowded, *Martyn* 9892, 9893——There was much hooting and shouting on Monday, but witness saw no acts of violence, *ib.* 9897–9900——Witness saw the mob hooting at Mr. Bourke, and heard the latter hoot at them in return, *ib.* 9932–9936——Quiet state of the town on Tuesday when the poll was adjourned, *ib.* 9937–9943——About the same time that Mr. Conway addressed the people on Sunday from Gildea's hotel, witness addressed them, telling them to behave peaceably during the election and not to remain in the town, *ib.* 10317–10325.

Witness reached Ballinrobe early on Wednesday, and found the place very quiet, *Wardlaw* 10392–10396. 10400–10402. 10426. 10449–10459. 10505.

During Sunday there was much cheering and shouting in the streets of Ballinrobe, but witness saw no violence committed, *Welch* 10782–10785. 10793; *Fleming* 11086–11091——On Monday the 6th April, the town was very full on account of the market on that day, and there was a good deal of excitement and noise, but no violence, *Welch* 10793–10803——Witness recollects having seen many contested elections at Ballinrobe, but the last one was the quietest of them all, *ib.* 10804–10809. 10852——On Tuesday there was shouting and cheering, but no violence, *ib.* 10810–10816——On Wednesday the town was particularly quiet, *ib.* 10820——Colonel Higgins and Mr. Routledge left the town together on Wednesday, and no violence was offered to them, *ib.* 10820–10827——There was a large crowd in the street when Mr. Conway spoke from the hotel, but these had mostly dispersed before the voters arrived, *ib.* 10922–10926. 10998–11002.

On Thursday before the election witness went to Ballinrobe, and found the town perfectly quiet, *Moore* 13106–13109——Witness's address to the people of Ballinrobe on this occasion consisted chiefly of exhortations to keep the peace. *ib.* 13115, 13116.

3. How far Escorts were necessary:

Necessity of escorts for Colonel Higgins's voters; this is always the case in Mayo with the voters of the unpopular candidate, *Knox* 7046–7049. 7152–7160; *Sir R. Bloss* 7323–6329. 7347. 7502–7510. 7623——Witness saw some of Colonel Higgins's supporters in Ballinrobe, on the second day of polling, without any escorts attending them, *Sir R. Bloss* 7342–7346——So far as witness could observe, the deputations were doubtless required only for the protection of Colonel Higgins's party, *ib.* 7538–7552——There was no difficulty in the electors polling under escort, *ib.* 7589, 7590.

The escort of Mr. Isidore Bourke and others on returning home was probably necessary, *Hon. J. Brown* 7766–7769——On Monday escorts were necessary in Ballinrobe for Colonel Higgins's supporters, but there was no violence, *ib.* 7770–7772. 7795, 7796. 7840–7844——On Tuesday witness saw Mr. Pugh, a Roman-catholic clergyman, Mr. Tighe, and other supporters of Colonel Higgins, walking about unescorted, *ib.* 7772–7780. 7798–7800. 7857–7863.

On Tuesday witness saw Mr. Valentine Blake, Mr. Tighe, and other supporters of Colonel Higgins, in the streets without any escort, *Martyn* 9915–9931. 10167–10183. 10343–10352——Witness cannot swear that he saw any voter go to the poll for Colonel Higgins unescorted, *ib.* 10175–10183——Doubt as to any of Colonel Higgins's voters having come in to Ballinrobe, or left it without escorts, 10188–10203.

Employment of some troops on Wednesday in escorting voters for Colonel Higgins to the poll, and on their return to the country, *Wardlaw* 10401. 10459–10467——On the Monday or Tuesday witness escorted some voters from Cong to Ballinrobe, *Graburn* 10660–10662. 10672, 10673——On Wednesday witness escorted some voters on their way home in safety, *ib.* 10667, 10668. 10674–10678.

4. Different Version of the (so-called) Attack on the Deputy-sheriff:

Circumstance of Mr. Sharkey, the depuy sheriff, having, when passing Gildea's hotel, after the close of the poll on Wednesday, held up the poll-books and slapped them with his hand; witness did not hear him say anything as he did so, *Martyn* 9944–9962. 10204–10219——As Mr. Sharkey passed, Mr. Moore said something about his tampering with the poll-books, *ib.* 9956–9961. 10209–10217——No stones were thrown at Mr. Sharkey on this occasion, *ib.* 9963–9972. 10220–10227. 10357–10361.

Circumstance of Mr. Arabin, stipendiary magistrate, having applied for an escort for Mr. Sharkey, deputy sheriff, *Wardlaw* 10397–10399. 10503, 10504——Statement as to Mr. Sharkey having passed the hotel on Wednesday when Mr. Moore was speaking; witness did not see him hold up the poll-books, nor did he see any stones thrown at him

Report, 1857—*continued.*

BALLINROBE—continued.

II. *Evidence on the Part of the Sitting Member*—continued.

4. Different Version of the (so-called) Attack, &c.—*continued.*

by the mob, *Wardlaw* 10403-10421. 10472-10489, 10510, 10511——On the occasion of Mr. Sharkey passing through the mob with the poll-books, witness did not see any stones thrown, *Graburn* 10585-10587.

Statement as to Mr. Sharkey having passed the hotel where Mr. Moore was in the window on Wednesday, and having held up and tapped the poll-books; witness did not hear him say anything, *Welch* 10828-10844——No stones were thrown at Mr. Sharkey, *ib.* 10845-10851.

On Wednesday witness saw Mr. Sharkey pass Mr. Moore's hotel with the poll-books, but did not hear him say anything as he passed, *Fleming* 11092-11106——No stones were thrown on this occasion, *ib.* 11107-11110.

Whilst witness was commenting upon the manner in which the proceedings at Ballina had been conducted, Mr. Sharkey came from the booth, escorted by dragoons, and with the polling books in his hand, *Moore* 13165-13167——He held up the poll-books and tapped upon them several times, and pointed to witness, *ib.* 13167——He never uttered one word of the admonitory address given in his evidence, *ib.* 13167——Witness remarked as he passed that he was capable of falsifying the books, and warned him on the subject, *ib.* 13167——It is quite untrue that a shower of stones were thrown at Mr. Sharkey, *ib.* 13167, 13168.

III. *Number of the Constituency and Result of the Polling:*

Number of the constituency of Clanmorris and Kilmaine baronies; number of votes polled from each barony respectively for Higgins, Moore, and Palmer, and number unpolled, *p.* 447.

See also *Adjournment of Poll* (*Ballinrobe*). *Blake, Valentine.* *Bourke, Walter.* *Conway, Rev. Peter.* *Gildea's Hotel* (*Ballinrobe*). *Intimidation.* *Kenny, Courtenay.* *Lewin, Mr.* *Military.* *Monahan's Hotel* (*Ballinrobe*). *Polling Booths*, 2. *Violence.*

Ballyhaderreen (*Costello Barony*). Prosecution of the canvass of Colonel Higgins at Ballyhaderreen, on the 1st April, when there were a good many voters assembled; undue interference of two priests on this occasion, when Colonel Higgins was addressing the people, *Sir R. O'Donnell* 5664-5685. 6054, 6055. 6061-6070.

Ballyhaunis (*Costello Barony*). On the 31st March, Colonel Higgins, witness, and others of his friends, were at Ballyhaunis; prominent part taken by several priests in addressing a large crowd and creating excitement against Colonel Higgins, so that he could not address the people, *Sir R. O'Donnell* 5641-5663. 6025-6053. 6056-6060. 6282——There was a frightful row at Ballyhaunis on the 31st March, in consequence of the active part taken by the priests, *ib.* 5654-5660. 6049-6053——There were a good many supporters of Colonel Higgins in the town on that day, *ib.* 5655. 6033-6040.

On the Wednesday before the election, witness was at Ballyhaunis, and impressed upon the people the importance of peaceful conduct, *Moore* 13105.

Barrett, Rev. Mr. Witness heard the Rev. Mr. Barrett, Roman-catholic clergyman, tell one of Colonel Higgins's voters, at the booth in Ballinrobe, to take care what he did, *Bourke* 799-806.

Bellchambers, William. (Analysis of his Evidence.)—Groom and valet to Colonel Higgins, 3318, 3319——On Sunday evening, the 5th April, was going with Colonel Higgins in a phaeton to Corrig and thence to Ballinrobe, 3320-3333——On their way to Ballinrobe they met a large mob, with Father Conway in the centre of them, on horseback; this was past eight o'clock in the evening, 3334-3345. 3386-3403——Father Conway came close to the carriage, and said aloud, "This is Colonel Higgins; at him, boys;" when at once stones and sticks were thrown in great numbers, but the carriage was driven away by the postillion as fast as possible, 3346-3350. 3399-3401——Witness subsequently picked up three large stones in the carriage, and the carriage was struck and indented in several places, 3351-3353.

Excited state of Ballinrobe when Colonel Higgins and witness entered it on Sunday evening, 3354——Colonel Higgins stayed during the election at Mr. Tighe's house, which was constantly guarded, 3355-3359. 3408-3411——The town was in a most excited state, up to Wednesday, when, in consequence of Father Conway's placard, it was quiet, 3360-3372——Distance of Corig from Ballinrobe, 3379. 3402, 3403. 3412——Whenever Colonel Higgins went about during the election he always had an escort, 3405-3407. 3413-3416.

Bellew, Captain. Conduct in Parliament of Captain Bellew, the late Member for Galway, adverted to in connection with the different course pursued by witness respectively towards him and towards Colonel Higgins, *Archbishop M'Hale* 6914-6932.

Report, 1857—*continued.*

Belmullet. On the evening of the nomination witness went from Castlebar to Erris, and thence on the following morning to Belmullet, where he addressed the people and canvassed the town, *Moore* 13129-13131.

Statement showing the number of electors, polled respectively for Higgins, Moore, and Palmer, at the polling booth, p. 447.

See also *Bribery.*

Blake, Valentine. Mr. Blake voted for Mr. Moore, as well as for Colonel Higgins, *Griffin* 2023-2212-2217; *Martyn* 10167——Witness saw Mr. Blake walking about in Ballinrobe unescorted during the election, *Martyn* 9916-9922.

Bloss, Sir Robert, (Analysis of his Evidence.)—Lives at Alhavalie, in the county of Mayo; owns property in the neighbourhood of Ballinrobe and Claremorris, 7288, 7289——Took an active part at the election in behalf of Captain Palmer, and also supported Mr. Moore in return for the support given by him to Captain Palmer, 7290, 7291——The town of Castlebar, on the day of nomination, was very quiet, much more so than was the case at former elections, 7292. 7296.

Witness was in Ballinrobe from Monday morning, the 6th April, till about twelve o'clock on Wednesday, 7297-7299. 7304-7306——On the morning of Monday Ballinrobe was very full of people, but very quiet, 7300-7303——There was a good deal of excitement during the day, and much shouting and hooting, but witness did not see any violence committed, 7314-7332—— Necessity of escorts for Colonel Higgins's voters; this is always the case in Mayo with the voters of the unpopular candidate, 7323-7329. 7347. 7502-7510. 7623.

Quiet state of Ballinrobe on the second polling day; witness saw no violence committed, 7333-7346. 7406. 7412-7455. 7458-7460——Colonel Higgins's voters were collected at Monahan's hotel and escorted there to the poll, 7347, 7348——It has not been usual in Mayo to appoint violent partisans as deputy sheriffs; they are appointed by the sheriff after the nomination, 7349-7351. 7356. 7360——Mr. Sharkey and Mr. Jennings were the deputy sheriffs at Ballinrobe, 7352-7355——Mr. Jennings acted partially and unfairly in the polling booth, 4357-7359.

Practice in Mayo in giving deputations to magistrates to act with the military, &c., to give so many to each party, 7361-7363——Witness applied for a deputation and was refused one; other applications were also refused, 7364-7372——Particulars relative to the adjournment, or intended adjournment, by Mr. Sharkey of the Kilmaine booth on the afternoon of Monday, 7373-7401. 7447-7449. 7587, 7588. 7553-7560——There was nothing improper in the conduct of the priests in the Claremorris booth, 7402-7405——A great number of voters polled at Ballinrobe on the Monday, Colonel Higgins being in a slight minority on that day, 7407-7411.

Statement as to the troops having, by orders from Mr. Courtenay Kenny on Tuesday, charged up and down the streets of Ballinrobe without any reason for their doing so, or the occurrence of any violence to justify it, 7414-7446——Irritated state of Mr. Kenny in consequence of his having been hooted by a mob of women adverted to in connexion with the charge of the troops under his orders, 7426-7440. 7465-7468. 7570-7586——Mr. Kenny took a violent part at the election in behalf of Colonel Higgins; he voted, however, for Higgins and Palmer, 7438, 7439. 7461-7464.

Witness had several meetings with the Rev. Mr. Curley and other Roman-catholic priests, having previously had communication with Mr. Moore, relative to an interchange of support between Captain Palmer and Mr. Moore, but does not recollect any particular interview between himself, Lord John Browne, and Colonel Knox on the one part, and three priests on the other part, 7469-7491. 7534. 7624-7646.

Archdeacon Browne accompanied witness to Ballinrobe on the morning of Monday, 7492, 7493——Mr. Curley was very active on the nomination day, but did not act as fugleman to the mob, 7494-7501. 7615-7622——The mob was not in possession of the streets, 7507, 7508——The mob was entirely on the side of Moore and Palmer, and was, to some extent, under the control of the priests, 7509-7513. 7591——Mr. Conway, and several other priests, were in the Kilmaine booth on the Monday, 7515-7519——Mr. Conway is, doubtless, a dangerous man at the head of a mob, 7520-7522.

Captain Palmer's friends accepted Mr. Conway's support, but did not canvass him for it, 7523-7525. 7612-7614——The priests in Mayo assume to decide the elections, but their influence was less at the late election than on any former occasion, 7526. 7599-7601——Mr. Moore was the member put forward by the wishes of the priests, and receiving their support, 7527, 7528——Mr. Lambert was a candidate, but did not appear at the nomination; he was for the tenant-right, but was not supported by the priests. 7529-7533.

Duty of a deputed magistrate to see that the peace is preserved, 7535-7537——So far as witness could observe, the deputations were doubtless required only for the protection of Colonel Higgins's party, 7538-7552——With regard to Mr. Conway's placards

Report, 1857—*continued.*

Bloss, Sir Robert. (Analysis of his Evidence)—*continued.*

addressed to the people of Ballinrobe, witness did not distribute any of them, 7561–7564——It was understood by witness and other magistrates that their powers were suspended, as not having been deputed, 7565–7567.

There was no difficulty in the electors polling under escort, 7589, 7590——Witness did not observe the priests excite the mob in any way, 7591–7596——Mr. Conway did nothing that was violent or intimidating, so far as witness saw, 7597——Troublesome conduct of Mr. Conway in the polling booth, which caused Mr. Sharkey to threaten to commit him, 7602–7611——Witness did not see Mr. Conway in the street at all, 7638–7641.

Bohala. See *Halligan, Rev. Mr.* *M'Manus, Mr.*

Bourke, Dean. Reference to some conciliatory remarks at the nomination towards Dr. M'Hale, by Dean Bourke, the seconder of Colonel Higgins, *Ruttledge* 366–370——Dean Bourke seconded Colonel Higgins and made a strong speech in his favour, *Bourke* 822–827. 849–851. 987; *Sir R. O'Donnell* 5727–5729. 6114–6118——Dean Bourke is an old friend of Colonel Higgins, and is almost the only Roman-catholic clergyman in the county who supported him, *ib.* 5728, 5729.

Dean Bourke carried an orange-coloured pocket handkerchief at the nomination, *J. Jordan* 8684–8686——At Westport the mob were formed by Dean Bourke into opposition to Moore and Palmer, *Lord J. Browne* 9566.

Bourke, Isidore. Witness saw Mr. Isidore Bourke, a supporter of Colonel Higgins, push a man off the pavement in Ballinrobe, *Hon. J. Browne* 7797. 7909.

Bourke, Joseph. (Analysis of his Evidence.)—Is son of Mr. Isidore Bourke, of Conaghleagh, whose tenants voted for Colonel Higgins, 659–661——Assisted in collecting the tenants on Saturday, the 4th of April, and on Sunday accompanied them from Claremorris to Ballinrobe, together with an escort, 662–665——Application had previously been made for an escort, as some of the tenants said they would not go without one, 666–674.

On Thursday, about a fortnight before the election, witness was at Claremorris chapel, and heard the Reverend Peter Reynolds, the parish priest, strongly advise the people not to vote for Colonel Higgins, 675–689——On Sunday, the 29th of March, witness heard Mr. O'Donnell, the curate at Mace chapel, address the congregation in favour of the present members, 690–695.

Particulars as to the violence of the people in Claremorris towards Colonel Higgins's voters on Sunday, the 5th of April, 697–715——Witness was struck with a stone in Claremorris, 699. 700——Indirect route taken from Claremorris to Ballinrobe, in order to avoid a mob, 717, 718. 852. 859–869——Before entering Ballinrobe a further escort was procured from the town, 719——Order in which the voters and escort went up the lane leading to Monahan's hotel, 721–723. 748–750.

On going up the lane a large mob, with Father Conway at their head, came running on at the further end, but were stopped by the dragoons from going as far as the gateway to the yard of the hotel, 724. 727–737——Width of the lane, 725, 726——Some of the mob got mixed with the voters and were dragging one of them away when witness rescued him, 737–742——Attempt subsequently made to drag witness off his horse into the yard of Gildea's hotel, which was on one side of the lane, and belonged to the opposite party, 742–747.

Statement as to Father Conway and some of the mob having appeared on the wall separating Gildea's yard from the lane; probable height of this wall from the ground in the yard, 751–757. 771. 776–780. 899–905——Father Conway knelt on the wall, took his hat off, and began to speak in Irish, 756–761. 999–1002——Stones were thrown at the voters by the people on the wall, 757. 759. 762, 763. 906, 907——Statement that Father Conway, when on the wall, stooped down and put his hand on a stone, but did not throw it, 763–766. 881–899.

Particulars as to witness, when the stones were being thrown, having presented a pistol at Father Conway, and threatened to shoot the first man who again threw a stone, 767–769. 940–947——Effect of this threat in causing Father Conway and the mob to keep behind the wall, whilst the voters were being got into the yard, 769, 770. 780——Notwithstanding the intimidation, all witness's party of voters plumped for Colonel Higgins, 772, 773. 926, 927.——Father Conway complained of witness having aimed a pistol at him, and witness subsequently gave up his pistols to Mr. Arabin, stipendiary magistrate, 774, 775.

Statement as to its having been necessary to guard Monahan's hotel during the election, and to escort Colonel Higgins's voters to and from the polling-booths, 781–789, 929, 1006–1009——Circumstance of some of the voters' horses, in the yard of the hotel, having been unfed till Tuesday morning, the voters having been afraid to leave the hotel, 784–786. 933–939——The mob were extremely violent and excited against Mr. Moore's opponents, 787–791——Activity of Father Conway and other priests at the polling-booths, 792–814.

Witness

Report, 1857—*continued.*

Bourke, Joseph. (Analysis of his Evidence)—*continued.*

Witness did not take an active part in canvassing for Colonel Higgins, 815, 816——Explanation as to some of the names on a provisional committee, appointed some time before the election, on Colonel Higgins's behalf; mention of some of these as having acted as deputy sheriffs at the election, 817-343. 955-986——Reference to Dean Bourke as having seconded Colonel Higgins, and made a strong speech in his favour, 822-827. 849-851. 987——Circumstance of Mr. Walter Bourke, witness's uncle, having entered the polling booth with some voters and an escort, after having been pelted by the mob, 842-844. 989-995.

Belief that on Sunday morning witness's party of voters did not shout for Colonel Higgins before entering Claremorris, or in passing through it, 853-858. 870-880. 996-998——Statement as to Father Conway having at one period told the Ballinrobe mob, in English, not to hurt the soldiers or police, 908-925. 1003, 1004——Witness has heard that some voters were prevented by intimidation from supporting Colonel Higgins, 929——Inside the Claremorris booth, at Ballinrobe, the proceedings went on quietly enough, 932. 1005——Doubt as to the names of the officers in command of the infantry or dragoons, 948-954.

[Second Examination.]—In correction of former evidence, witness explains that when the voters were leaving Claremorris on Sunday, about ten of them shouted "Hurrah for Higgins;" this was before the stones were thrown, 1684, 1685——The people were coming out of mass at this time, but the voters were a considerable distance from the chapel, 1685-1693.

Bourke, Walter. Circumstance of Mr. Walter Bourke, witness's uncle, having been pelted by the mob before he entered the polling-booth at Ballinrobe with some voters and an escort, *Bourke* 842-844. 889-895.

Brabazon, Captain. Captain Brabazon, one of the provisional committee of Colonel Higgins, was deputy sheriff at Swinford, *Ruttledge* 218-220. 237; *Bourke* 960, 961——Reference to a strong speech by Captain Brabazon in favour of Colonel Higgins, and in disparagement of Moore and Palmer, *Bourke* 962-969; *Sir R. O. Donnell* 6118, 6119; *E. H. Jordan* 8893-8895——Captain Brabazon, a cousin of Colonel Higgins, was a member of his committee, *M'Manns* 3569, 3570.

Partiality shown by Captain Brabazon to Colonel Higgins's voters in the Swinford polling-booths, *J. Jordan* 8094-8104. 8126, 8127——Statement as to witness having been put out of the polling-booth by Captain Brabazon's order, *E. H. Jordan* 9365-9369——Different behaviour of Captain Brabazon and his friends in the booth towards those who voted for Colonel Higgins and those who voted for Moore and Palmer, *ib.* 9370-9375——The town of Swinford belongs to Captain Brabazon, *ib.* 9376, 9377——Reference to a speech by Captain Brabazon at Swinford before he was sworn in as deputy sheriff, 12,625-12,636.

See Undue Influence, 5.

Brenan, Phelim. (Analysis of his Evidence)—Elector of Mayo; lives at Currownedin, in the barony of Costello, 4018-4021——On the Wednesday before the election, Father Richard Prendergast came to witness's house, and asked him to vote for Moore and Palmer, 4022-4038——Witness told Father Prendergast that he would vote as his landlord, Mr. Robert Routledge, wished, 4034, 4035——On the Thursday night some people unknown to witness, came to his house, and said he should vote as his clergyman directed; they went away without molesting him, 4039-4054. 4162-4165.

Interview between Father Prendergast and witness and other voters relative to their voters, in the sacristy, after mass on Sunday before the election; they were told by Father Prendergast to go and have something to drink, 4055-4081——Three voters, Mulcree, Drury, and Hunter, were also in the sacristy, 4061-4064——Particulars as to Father Prendergast and Father James M'Gee having come to witness's house during the night of Sunday, and taking him in a car to Father Prendergast's house, where he was treated very kindly, and remained till the next morning, 4082-4116. 4166-4168——The priests asked witness to vote for Moore and Palmer, but he said he would rather vote for Higgins, provided his landlord allowed him, 4093. 4117-4121.

On Monday morning witness was taken by Fathers Prendergast and M'Gee into Swinford, where they saw several other priests, 4122-4130——Witness was unwilling to vote except for Higgins, and said so, 4130-4133——When in the polling-booth, some priest came behind witness and told him, in Irish, that if he did not vote for Moore and Palmer, his soul would go to hell; witness does not know who it was that said this, 4134-4138. 4150-4153. 4177-4195——In consequence of this interference witness voted for Moore and Palmer, 4139-4141. 4209-4216.

Further reference to the voters Mulcree, Drury, and Hunter; they were at Father Prendergast's house during Sunday night, 4142-4149——No one except Father Prendergast canvassed witness, 4154-4157——Mulcree is bailiff to Mr. Robert Routledge; he voted for Moore and Palmer, but had not said anything to witness about the way he should vote, 4158-4161. 4196-4208——At the election before the last, witness voted for Moore and Higgins, 4169-4176.

Report, 1857—*continued.*

Bribery. Witness has frequently spoken before the election to one Macartney, a publican, in Castlebar, but never told him that he (witness) had got money for voting for Colonel Higgins, *Gannon* 5048-5059.

Instance of the usefulness of the influence of the priests in counteracting bribery, &c., *Archbishop M'Hale* 6900-6906.

Inaccuracy of a statement by Mr. James, in his opening speech, in regard to witness having held out a certain inducement to a voter at Belmullet, of the name of Riley, to support Captain Palmer, *Moore* 13131——Witness has never yet been asked by any elector of Mayo for a consideration for his vote, *ib.* 13132.

Brown, The Hon. Jeffrey. (Analysis of his Evidence.)—Resides at Castle Magarrie, Mayo; owns property near Claremorris, 7647-7649——Supported Captain Palmer at the late election, and also Mr. Moore, as for certain reasons preferable to Colonel Higgins, 7650-7652——Very much quieter character of the late election than of former elections for Mayo, 7655-7660. 7801. 7664——Witness arrived in Ballinrobe from the neighbourhood of Claremorris early on Monday, the 6th of April, and there was no excitement whatever at that time, 7661-7670——The Claremorris booth was perfectly quiet throughout the day, 7671-7674——There was much shouting and cheering outside the booth, but no violence was committed, 7675-7677. 7688-7691. 7710, 7711. 7720-7722. 7820. 7834-7839.

Statement as to the troops having, altogether unnecessarily, cleared the streets about the middle of the day on Monday; Mr. Sheill, the magistrate in charge, told witness he did so by order of the sheriff, but that he saw no necessity for it, 7679-7691. 7702-7715——Circumstance under which witness became aware that Mr. Sharkey had closed, for a short time on Monday, the booth in which he presided, 7691-7701. 7716-7719——On the Tuesday there was less excitement than on Wednesday, and no act of violence was committed, 7723-7733. 7821-7838.

Comment on the circumstance of Mr. Courtenay Kenny having ordered the troops to clear the streets on Tuesday; there was nothing to require such proceeding, which was probably done for purposes of petition, 7736-7744——There was some talk on Tuesday of arresting the Rev. Mr. Conway, but at witness's suggestion he was induced to keep away from the town; belief that his contemplated arrest was with a view to a petition, 7744-7748. 7872-7874——Very quiet state of Ballinrobe before and after the adjournment of the poll on Tuesday, 7749-7757.

Ballinrobe was particularly quiet on Wednesday, and there was scarcely any one about, 7758-7760——Colonel Higgins and the sub-sheriff drove out of the town on Wednesday, without even a shout at them, 7766-7763——The escort of Mr. Isidore Bourke and others, on returning home, was probably necessary, 7766-7769——On Monday escorts were necessary in Ballinrobe for Colonel Higgins's supporters, but there was no violence, 7770-7772. 7795, 7796. 7840-7844——On Tuesday witness saw Mr. Pugh, a Roman-catholic clergyman, Mr. Tighe, and other supporters of Colonel Higgins, walking about unescorted, 7772-7780. 7798-7800. 7857-7863——Witness, who anticipated a petition, remarked to Mr. Pugh that he was glad to see him walking about without fear of being molested, 7772. 7864-7867.

Way in which the deputy sheriff, Mr. Jennings, as a supporter of Colonel Higgins, acted partially and unfairly, 7781-7793——A great many of the deputy sheriffs were on Colonel Higgins's committee, 7793, 7794——Witness saw Mr. Isidore Bourke push a man off the pavement, 7797. 7909——The voters generally followed their landlords at the late election, and in some instances, instead of supporting also the priests' candidate, plumped for Colonel Higgins, 7802-7811.

Examination as to the active part taken by the priests; they always have taken a prominent part at the elections for Mayo, 7812-7847. 7880-7901——The priests seemed to have lost their influence at the late election, 7818. 7847. 7910, 7911——Witness saw Mr. Conway on the Monday followed by some Ballinrobe scoundrels, 7834-7839——Less quiet but for the military, 7841-7843.

Belief that Mr. Conway's placard, dated Tuesday evening, was not at all necessary to procure quiet on Wednesday, 7848-7852. 7913-7918——Witness did not see or hear of any act of violence throughout the whole election, except in the case of Peter Cummins, whose head was badly hurt on Sunday, 7853-7856. 7867-7871. 7902-7908——It was always thought that a petition was probable; strong swearing does a great deal, 7864-7866——At a former election witness has been hooted by a mob at Ballinrobe, but was never assaulted by Mr. Conway, 7875-7879.

Browne, Lord John. (Analysis of his Evidence.)—Resides at Westport, 9469——Took an active part at the late election in behalf of Captain Palmer, 9470, 9471. 9518. 9532 As magistrate, applied to the high sheriff for a deputation to act at the election; refusal of the same, 9472-9476——Belief that it is usual at contested elections in Ireland to depute magistrates from both sides, 9477——At the late election deputations were given to Colonel Higgins's supporters alone, 9478, 9479.

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Browne, Lord John. (Analysis of his Evidence)—*continued.*

Very quiet state of Castlebar on the day of the nomination, 9480, 9481——Former elections for Mayo, such as that in 1852, were much less free from disorder and violence than the late election was, 9481-9485. 9529-9531——Very active and prominent part taken at the nomination by Mr. Sharkey in behalf of Colonel Higgins, 9486-9490.

Violent conduct of a small mob of Colonel Higgins's supporters at Westport, some days before the election, 9491-9496——Circumstance of witness having written to the Government for a military force at Westport, 9497, 9498——Violent conduct of a mob in favour of Colonel Higgins during the polling at Westport, 9499-9502——Full polling of voters at Westport, mainly in favour of Moore and Palmer, 9504-9506. 9566-9568.

Exceedingly quiet state of Castlebar on the second polling-day, 9507-9509——Some voters at Castlebar were escorted by the high sheriff and some dragoons, 9510-9515——The unpopular candidate always requires an escort for his voters, 9516, 9517——Interference of the sheriff on the occasion of witness speaking to some voters under escort, who had promised to support Moore and Palmer, 9519-9523——Very quiet state of Ballinrobe on Wednesday the 7th April; placard issued by the Reverend Mr. Conway adverted to hereon, 9524-9528. 9558-9565——Captain Palmer's committee were never nominally appointed, 9532.

Particulars as to a meeting between three priests on the part of Mr. Moore, and witness and some other gentleman on the part of Captain Palmer, with a view to an interchange of support; no specific agreement was come to, 9533-9557. 9583-9590——At Westport the mob were formed by Dean Burke into opposition to Moore and Palmer, 9566——Intention of witness to support Mr. Moore if unseated, and to come forward himself if Mr. Moore be not again a candidate, 9569-9575——Witness differs entirely from the politics of the priests, 9576——If Colonel Higgins had a larger support from the country gentry, he would be elected in spite of the priests, 9577-9581——As regards placards at the election, there were great numbers to be seen in all directions, 9582.

Brown, Archdeacon. Archdeacon Brown, as a supporter of Mr. Moore, accompanied witness to Ballinrobe on the morning of Monday, *Sir R. Bloss*, 7492, 7493.

Brown, Rev. James. Reference to a conversation at Castlebar between witness and the Rev. James Brown, parish priest of Carmacan; reason why witness discountenanced Mr. Brown on this occasion, *Archbishop M'Hale*, 6554-6580. 6795-6799.

Burke (or *Bourke*), *Dean.* See *Bourke, Dean.*

Burke, Dr. See *Polling-booths, &c., 3.*

Burke, Joseph. (Analysis of his Evidence.)—Barrister; resides at Ower, in Galway, with his father, 1396-1398——On Sunday, the 5th April, started in an open car with his father and a servant for Ballinrobe, his father intending to vote, on Monday, for Colonel Higgins, 1399-1406——Witness's father is 76 years of age; he is healthy for his age, but of a very nervous temperament, 1406. 1427——Witness is not an elector of Mayo, 1402.

On witness and his father approaching Ballinrobe about half-past five in the afternoon they met a mob of about three hundred persons in an exceedingly excited state, and the Rev. Peter Conway, on horseback, in the middle of them, 1407-1426——The mob compelled the car to stop, 1428, 1429——Father Conway said, "You are Colonel Higgins's supporters, so I wash my hands of you," and then rode off about 100 yards: this was meant for the mob to hear, 1430-1437.

Considerable violence inflicted by the mob on witness and his father after Mr. Conway had ridden off a short distance, 1438-1468——Witness appealed to Mr. Conway to interfere in his father's behalf, and after some delay he did so, 1453-1458. 1469——Witness's father was especially ill-used by the mob, and was severely beaten, 1463-1468——Evident control possessed by Mr. Conway over the mob, 1469-1475.

Witness then wished that his father and himself might be allowed to return home, but Mr. Conway seemed anxious that they should accompany him, 1476-1483——The mob were loud in their demand that witness's father should not vote for Higgins, 1483-1487——Mr. Conway remarked that it would have been folly for them to have gone without an escort, as three or four of Mr. Bourke's people had a short while previously been killed, 1488-1491——Mr. Conway then produced a list of voters from his pocket, and witness's father said that if allowed to go home he would not vote for Higgins, 1492-1497——Mr. Conway made him repeat his promise, and then directed the mob to let him return home, 1498-1505.

Second Examination.]—Witness's father did not vote at all, 1506. 1510——The mob wished to swear him in regard to his not voting, but Mr. Conway said that his promise was sufficient, 1507, 1508——Mr. Conway said to witness, "it is a shame for a Catholic gentleman to be acting contrary to his bishop and priests," 1511-1517——The mob and Mr. Conway accompanied witness and his father part of the way home, 1518-1520.

Circumstance of the mob having scattered about the road some hay and straw belonging to Colonel Higgins, in carts which were passing by at this time; Mr. Conway told them,

Report, 1857—*continued.*

Burke, Joseph. (Analysis of his Evidence)—*continued.*

them, ironically, not to scatter the hay and straw, 1521–1530. 1591–1602——After leaving the mob, witness and his father met a military escort, and Mr. Sheill, the magistrate in charge, offered to bring them into Ballinrobe at once, and said that witness might prefer an information against Mr. Conway, 1531–1540. 1587–1590. 1669–1674——Witness declined to return on account of his father's state after the treatment of the mob, 1541. 1590.

Witness, who is a Roman-catholic, has been a magistrate of Galway since February last, 1540–1546——Further statement in regard to the meeting with the mob near Ballinrobe, and the conduct of Mr. Conway on that occasion, 1547 *et seq.*——Witness's father promised not to vote before Mr. Conway addressed him on that point, 1566–1169——On leaving the car Mr. Conway reminded witness's father of his promise, 1580–1585.

On Monday the 5th April witness brought four voters under escort to Ballinrobe, and they plumped for Colonel Higgins, 1586. 1603–1609——Witness could not leave Ballinrobe on Monday through fear of the mob, 1610–1612——Particulars as to witness having on Tuesday made an affidavit relative to the violent proceeding on the Sunday, on the ground partly of which affidavit the poll was adjourned, 1613–1641.

Circumstance of Mr. Conway having gone out to the house of witness's father after the adjournment on Tuesday, 1642–1648. 1678——Reference to a letter received by witness on Wednesday morning (the 8th April) from his sister, relative to Mr. Conway, 1649–1657. 1665–1667——Quiet state of the town on Wednesday after an address from Mr. Conway to the people had been placarded about, 1661–1663——Twofold object of witness in going to Ballinrobe on Monday, 1674, 1675——Witness's father might have voted without interruption on Wednesday, but he did not know it was so quiet; witness does not consider that he was bound not to vote by a promise forcibly extorted from him, 1678–1683.

Burrishoole Barony. Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register.

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Cahill, Rev. Mr. Witness was urged before the election, by the Rev. Mr. Cahill, to vote for Messrs. Moore and Palmer, but told him he would vote on the same side as his landlord, Lord Erne, *Gannon* 4855–4870——Father Cahill said he would make an example of witness if he did not vote for Moore and Palmer, *ib.* 4905, 4906——On the day after the polling witness, who plumped for Colonel Higgins, was severely spoken to in the street by Father Cahill, and was much hooted, *ib.* 4942–4953——Witness sent an Easter offering to Father Cahill, but it was returned, *ib.* 4958–4965——Examination as to former communications between Fathers Hostie and Cahill and witness, relative to disputes in witness's family; that is, between himself and his wife, or his wife's father, *ib.* 4969–5015. 5061–5064. 5087–5093——Good terms between witness and the priests during the life time of his first wife, *ib.* 5061–5064. 5098–5101.

Witness, who is a Roman-catholic, was at chapel at Castlebar on Sunday the 5th April, when the Rev. Mr. Cahill alluded to a pastoral he had received from Archbishop M'Hale, and called upon the people to vote for Moore and Palmer, inasmuch as Colonel Higgins had been found wanting, *Sharkey* 5108–5123——Mr. Cahill also mentioned some person's name in Irish, as going round the back lanes of Castlebar, canvassing for Colonel Higgins, and said he was surprised that the people let him into their houses, *ib.* 5124–5128.

See also *Undue Influence*, 3.

Campbell, Alexander Deed. (Analysis of his Evidence.)—Is clerk to Mr. Martin, the agent for the Sitting Member, 13014*——Has prepared and delivered in a tabular statement from the poll-books, of the number of voters polled in each barony, and also from the register of the number remaining unpolled; is satisfied that it is a correct statement, 13014*–13023.

Canvass of Electors. From the 14th March till the election, witness was busy in canvassing the county for Colonel Higgins, *Sir R. O'Donnell* 5567–5569. 5577——Inability of Colonel Higgins and witness to canvass in Ballina, on account of the excitement of the people against them, *ib.* 5578 *et seq.*

On the 21st March Colonel Higgins, witness and others, canvassed the town of Castlebar, where there are between forty and fifty electors; over twenty-five promises were obtained, but only five or six eventually voted for Colonel Higgins, *Sir R. O'Donnell* 5617–5624. 5937–5938——The total promises for Colonel Higgins were between 1,230 and 1,250, whereas he polled only 1,041 voters, *ib.* 5923–5935. 5943–5947——Further reference to the voters at Castlebar, who promised to support Colonel Higgins,

Canvass of Electors—continued.

Higgins, but did not do so; circumstance of there having been tenants of Lord Lucan, who was a friend of Captain Palmer's, *Sir R. O'Donnell* 5948–5960.

Examination as to the persons present on the occasion of Mr. Moore's first canvas in Castlebar, that is, Monday the 30th March; names of several priests adverted to hereon, *M'Greal* 11430–11521. 11682, 11683——Reference to sundry extracts from the speech made by Mr. Moore on the occasion of his first canvass in Castlebar, from the window of witness's house; doubt as to the accuracy of the reports of the speech in the "Telegraph," *ib.* 11522–11596. 11673–11683.

Witness felt so confident of success at the late election, that he did not issue any address to the constituency, and did not arrive in Mayo till four days before the nomination, *Moore* 13072. 13076–13079——Total inaccuracy of certain statements attributed to witness when canvassing at Castlebar, *ib.* 13072–13075——Evidence relative to the character of canvass in the several places visited by him after his arrival in the country, *ib.* 13078 *et seq.*——Remarks relative to the entry of witness into Castlebar on Monday, the 30th March, and to his address to the people from the house of Dr. M'Greal, *ib.* 13078–13083——Nominal character of witness's canvass at Ballinrobe, *ib.* 13114*——Witness was accompanied by Mr. Conway in this canvass, *ib.*

See also *Ballina. Ballyhaderreen* (*Costello Barony*). *Ballyhannis* (*Costello Barony*). *Conway, Rev. Peter,* 7. *Roman Catholic Clergy. Tyrawley Barony.*

Carna Barony. Statement preferred respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

Castlebar. There was considerable excitement in Castlebar after the period of witness having seen the placard, headed "Men of Mayo," and a good many military had been brought in, *Ruttledge* 58–65——The presence of the sheriff and a large military force kept the people in order at the election, *ib.* 292. 295——Excitement of the people in Castlebar on the arrival of the Westport voters, *Montgomery* 4777–4783——Necessity of an escort for the protection of the voters from violence, *ib.* 4782–4784. 4813, 4814.

Escorts necessary for Colonel Higgins and his friends in going about Castlebar on the 2d April, *Sir R. O'Donnell* 5722–5725——Several injuries were inflicted and heads broken in Castlebar on the day before the nomination, *ib.* 5722——Excited state of the mob further adverted to, *ib.* 6085–6097——There were police and military in the town at the time, *ib.* 6099, 6100.

The town of Castlebar, on the day of nomination, was very quiet, much more so than was the case at former elections, *Sir Robert Bloss* 7292–7296; *Lord J. Browne* 9480–9485——The mob was not in possession of the streets, *Sir Robert Bloss* 7507, 7508——The mob was entirely on the side of Moore and Palmer, and was, to some extent, under the control of the priests, *ib.* 7509–7513. 7591——On the day of nomination, and on the first day of the election, Castlebar was particularly quiet, *Creagh* 9385–9387. 9439, 9440; *Wilbraham* 9612–9619. 9700–9702——Exceedingly quiet state of Castlebar on the second polling day, *Lord J. Browne* 9507–9509——Much more disorderly state of Castlebar at the nomination in 1852, *ib.* 9481–9485.

During the nomination and polling Castlebar was perfectly quiet, that is, there was some excitement, but no real disturbance, *Wardlaw* 10383–10387. 10422–10431. 10505——On witness and Mr. Curley arriving at Castlebar on the day of nomination they found a great crowd, who were shouting very violently, and groaned at them as they passed, *M'Greal* 11312–11320——During the nomination and the polling Castlebar was quieter than it has been at any former election for several years, *M'Greal* 11359–11364; *Armstrong* 12312——There was no act of violence in Castlebar on the nomination day, *F. O'Donnell* 12462–12465——Castlebar was quiet on the first day of polling, and there was no violence, *O'Dowd* 12637–12642.

Impression that on the occasion of witness's entry on 30th March, several of Colonel Higgins's supporters were walking about without any molestation, *Moore* 13083, 13084——There was no disturbance, and the people appeared to be in perfect good humour, *ib.* 13084, 13085——On the second day of polling witness left Swinford for Castlebar, and at the close of the poll addressed the people from Armstrong's hotel, *ib.* 13157–13160.

Statement showing the number of electors polled respectively for Higgins, Moore, and Palmer, at the Castlebar polling booth, *p.* 447.

See also *Canvass of Electors. Curley, Reverend Michael. High Sheriff. Military. Mobsmen. Nomination. Placards. Roman Catholic Clergy.*

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Cavanagh. Reference to a charge made before witness against one Cavanagh, for having fired a pistol; witness investigated the case, considered the charge was totally false, and did not take Cavanagh's pistols from him or proceed further in the matter, *Curran* 4373-4404——Part taken by a man named Jordan in the charge against Cavanagh; witness declined to take down, at his suggestion, a statement as to Cavanagh having been treated at Colonel Higgins's expense, *ib.* 4382. 4390, 4405-4409.

Statement as to a person of the name of Cavanagh, a supporter of Colonel Higgins, having been reported to have fired a pistol at some one in a room. The matter was inquired into by Mr. Curran, and at witness's suggestion Cavanagh subsequently delivered up his pistols to Mr. Curran, *J. Jordan* 8128-8139.

Examination in former statement relative to the firing of a pistol by Cavanagh, *J. Jordan* 8167, *et seq.*——The information against Cavanagh was laid without witness's knowledge by witness's son and a man named Mr. Nicholas, who was the party fired at, *ib.* 8170-8177. 8185, 8186. 8704-8706——Witness never told Mr. Curran to take down in writing that Cavanagh had called for liquor and desired it to be put down to Colonel Higgins's account, *ib.* 8195-8197. 8206-8210——Mr. Curran made no search for the ball in the room where Cavanagh was said to have fired it, *ib.* 8211-8213. 8221-8223, ——Witness knew something of Cavanagh, having formerly employed him, and was, therefore, anxious that the investigation about the pistol firing should be dropped, *ib.* 8213, 8214. 8219, 8220. 8231. 8237-8240. 8695-8703——Cavanagh admitted that he had fired in self-defence, *ib.* 8216, 8217. 8774, 8775——Further statement as to the pistols having been given up to Mr. Curran, *ib.* 8242-8256.

Statement as to Cavanagh having canvassed on behalf of Colonel Higgins, *E. H. Jordan* 8861, 8862. 8874-8879.

Claremorris. On Saturday after the day of nomination witness went to Claremorris, by deputation from the high sheriff, to accompany some voters for Colonel Higgins, who were to be collected there on Sunday, and were to go on to Ballinrobe to poll, *Ruttledge* 57. 66-73——Some dragoons accompanied witness to Claremorris, *ib.* 73, 74——Collection at Claremorris of about 100 voters for Colonel Higgins, on Sunday forenoon, *ib.* 75-78. 85, 86——Evidence showing the great violence of the people towards Colonel Higgins's voters, the alarmed state of the latter, and the difficulty experienced in getting away from Claremorris, without bloodshed, *ib.* 76-108——Further reference to the mob as having just left chapel, *ib.* 309-314——Witness and several others were struck with stones, *ib.* 315-319——When Mr. Isidore Bourke came into Claremorris with his voters for Colonel Higgins, they did not cheer, *ib.* 320-330.

Witness met Mr. Isidore Bourke and his voters, by appointment, on the morning of the 5th April; there was no cheering or shouting on their part, *Prendergast* 517-528——From Claremorris to Ballinrobe the voters were not molested, *ib.* 652.

Witness is son of Mr. Isidore Bourke, of Conaghleagh, whose tenants voted for Colonel Higgins, *Bourke* 659-661——Assisted in collecting the tenants on Saturday the 4th of April, and on Sunday accompanied them from Claremorris to Ballinrobe, together with an escort, *ib.* 662-665——Particulars as to the violence of the people in Claremorris towards Colonel Higgins's voters, on Sunday the 5th of April, *ib.* 697-715——Witness was struck with a stone, *ib.* 699, 700——Indirect route taken from Claremorris to Ballinrobe, in order to avoid a mob, *ib.* 717, 718. 852. 859-869——Belief that on Sunday morning witness's party of voters did not shout for Colonel Higgins before entering Claremorris, or in passing through it, *ib.* 853-858. 870-880. 996-998.

In correction of former evidence witness explains that when the voters were leaving Claremorris on Sunday about ten of them shouted, "Hurrah for Higgins!" this was before the stones were thrown, *Bourke* 1684, 1685——The people were coming out of mass at this time, but the voters were a considerable distance from the chapel, 1685-1693.

On Tuesday morning the 7th April, there was no crowd or disturbance in Claremorris, *Martyn* 10356.

On Saturday the 4th March, went with some dragoons from Castlebar to Claremorris, to escort some voters of Colonel Higgins thence to Ballinrobe, *Graburn* 10517, 10518. 10598-10602——About thirty voters on horseback and several others in cars were collected in Claremorris on Sunday morning, Mr. Routledge being the deputed magistrate in charge, 10519-10529. 10544, 10545——Before leaving the town some of the voters on horseback cheered once or twice, 10530-10536——On leaving the town some stones were thrown by a mob which had by this time collected, and one man in a car was hurt; the voters on horseback were some way in advance, *ib.* 10537-10543. 10603-10612.

On Wednesday the 1st April, witness went from Swinford to Claremorris, and on his way thither, as well as at Claremorris, impressed upon the people the importance of abstaining from acts of violence or insubordination, *Moore* 13104-13106.

Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in that barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

See also *Ballinrobe.* *Conway, Rev. Peter,* 2. *Cummins, Peter.* *Intimidation,* 7. *Polling-booths,* 2. *Reynolds, Rev. Mr.*

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Clergy. See *Roman-catholic Clergy.*

Cochrane, Mr. Violent treatment of Mr. Cochrane at Ballinrobe, a supporter of Colonel Higgins, *Griffin* 1889-1896.

Coghlan, Archdeacon. Statement as to Archdeacon Coghlan having addressed the mob at Keltimagh in favour of Moore and Palmer on the 2d April, *Lavin* 3797-3809. 3922-3934. 4003-4005——Prominent part taken by Archdeacon Coghlan in inciting the crowd at Swinford to cheer, &c., when Mr. Moore was there before the nomination, *Curran* 4243-4248.

Witness was at Keltimagh on the 2d of April, and heard Archdeacon Coghlan address the people in favour of Moore and Palmer, *E. H. Jordan* 8853-8860——Interruption to Archdeacon Coghlan's speech by a person named Cavanagh and several others, *ib.* 8861-8869.

Combination of Candidates. See *Interchange of Support, &c.*

Committee and Committee-rooms:

1. *Colonel Higgins.*
2. *Captain Palmer and Mr. Moore.*

1. *Colonel Higgins:*

Reference to several names on Colonel Higgins's provisional committee, formed some weeks previously to the election; mention of some of these as having acted as deputy sheriff or deputy magistrates, *Ruttledge* 223-236. 269-275. 373-375; *Bourke* 817-843. 955-986——Colonel Higgins's committee-room at the hotel at Swinford was open to all those staying there, *Curran* 4339, 4340.

Witness was chairman of Colonel Higgins's committee so called; there was no regular committee, *Sir R. O'Donnell* 5563-5566. 5615, 5616——Place of meeting of Colonel Higgins's committee at Castlebar; the first meeting was on the 20th March, *ib.* 5961-5968——Names of some of the members of the (so called) committee, *ib.* 5969-5977.

Further statement relative to the constitution and proceedings of Colonel Higgins's committee; documents emanating from the committee adverted to hereon, *Sir R. O'Donnell* 6228-6266——Witness was chairman of the local committees, and was especially active in the cause of Colonel Higgins, *ib.* 6256, 6257. 6264-6266.

Comments upon the composition of Colonel Higgins's provisional committee, *Moore* 13070——Colonel Higgins's hotel and committee-room at Castlebar were covered with inscriptions, *ib.* 13083. 13086.

2. *Captain Palmer and Mr. Moore:*

Doubt in regard to Mr. Moore having a separate committee-room at Castlebar, *M'Laughlin* 4534-4540. 4722——Impression that witness saw a committee-room placarded as belonging to Messrs. Moore and Palmer, *Montgomery* 4828-4837——There were two committee-rooms at Castlebar, but they were both for Moore and Palmer, *Sir R. O'Donnell* 5820, 5821——Grounds for the belief that the committee-room at Armstrong's hotel was jointly that of Mr. Moore and Captain Palmer, *Sir R. O'Donnell* 5842-5864; *Griffin* 5865-5884.

The members of Captain Palmer's committee were never nominally appointed, *Lord John Browne* 9532——About ten rooms of Witness's house were taken for the election by Palmer's agent, *Armstrong* 12300-12303——Outside the hotel were placarded the words "Vote for Moore and Palmer;" the words "Committee-room" were never placed there, *ib.* 12304-12311. 12319-12332——Mr. Moore addressed the people from the hotel, from a room not engaged for Captain Palmer, *ib.* 12367-12375. 12440-12443.

Neither in Castlebar, nor elsewhere, had witness any committee-room or any committee, *Moore* 13087-13090. 13093, 13094. 13160——Committees may have been formed for him without his consent, *ib.* 13090——At all events he never paid for any committee-room, *ib.* 13096——Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in the county, the number polled for each candidate, and the number remaining on the register, *p.* 447.

Conway, Michael, and Patrick Conway. See *Intimidation*, 2.

Report, 1857—*continued.*

CONWAY, REV. PETER:

1. *Denunciations or Addresses from the Altar relative to the Election.*
2. *Conduct in regard to the Attack in Ballinrobe on the Claremorris Voters.*
3. *Conduct in the Kilmaine Polling-booth.*
4. *Active and influential Part taken generally by Mr. Conway in behalf of Mr. Moore.*
5. *Temporary Absence from Ballinrobe in consequence of threatened Arrest.*
6. *Placard issued by Mr. Conway exhorting to Order on the last Polling-day.*
7. *Communication or Concert between Mr. Conway and Mr. Moore.*
8. *Statement by Archbishop M'Hale.*
9. *Presence of Mr. Conway in London during the Examination of Witnesses.*
10. *Condemnation by the Committee of the Conduct of Mr. Conway.*

1. *Denunciations or Addresses from the Altar relative to the Election:*

On Sunday the 5th of April witness went to chapel at Ballinrobe, and heard the Rev. Mr. Conway address the congregation about the election, using violent language against Colonel Higgins, and saying that "the curse of God would follow every man that voted for him;" this was before the conclusion of the mass, *French* 1201–1048. 1096–1109 ——Explanation as to witness having made a memorandum of what Father Conway said; this was done shortly after mass by the suggestion of Mr. Courtenay Kenny, at the house of Mr. Griffin; the memorandum in question read, *ib.* 1026–1044. 1110–1118 Mr. Conway also said that Colonel Higgins was a "most consummate scoundrel," *ib.* 1044.

Outline of the address of Mr. Conway from the altar of Ballinrobe Chapel, after the conclusion of mass, on Sunday the 5th April, relative to the election, *Martyn* 9816–9850. 10116–10071. 10302–10315——To the best of witness's recollection Mr. Conway never said Colonel Higgins was a "consummate scoundrel," &c., or that "the curse of God would follow every man who voted for him," *ib.* 9827–9838. 10041–10061——Remarks by Mr. Conway in favour of the people keeping the peace, *ib.* 9824–9826. 9845, 9846 ——Mr. Conway impressed upon the people the expediency of abstaining from violence, as the town was full of military and police, under the orders of persons who would be glad to have an opportunity of shooting them, *ib.* 9824–9826. 10022–10027——Witness has a strong aversion to altar denunciations, having once been denounced himself; he therefore paid the greater attention to what Mr. Conway said, *ib.* 9847–9849. 10247–10250. 10296–10301——The chapel of Ballinrobe was very full when Mr. Conway made the address about the election, *ib.* 10009–10015.

On Sundays previous to the 5th April witness heard Mr. Conway speak from the altar about the election, and in disapproval of Colonel Higgins, *Martyn* 10243–10260 ——Since the election witness has heard Mr. Conway read Colonel Higgins's petition from the altar of Ballinrobe Chapel, *ib.* 10261–10274.

Remarks of Mr. Conway from the altar, on Sunday the 5th April, relative to the election; he spoke very strongly against Colonel Higgins and his supporters, *Welch* 10875–10897——He said that Colonel Higgins "had sold his country, his body, and his soul," *ib.* 10883, 10884——Mr. Conway said in chapel that there would be a meeting in the town after mass, and he subsequently addressed the meeting from Gildea's hotel, *ib.* 10898–10910——Witness does not recollect hearing the petition read in Mr. Conway's chapel, *ib.* 10981–10986——Witness understood that Mr. Conway applied the terms "curse of God" to those who had prevented voters from attending his chapel, *ib.* 10886–10892.

Witness heard Mr. Conway address the congregation from the altar, on Sunday the 5th April, relative to the election; language used by him, *Fleming* 11021–11041. 11168–11174——Witness did not hear Mr. Conway used the words "the curse of God" in any sense, *ib.* 11036. 11168–11174——Witness did not hear Mr. Conway say that Colonel Higgins was a "most consummate scoundrel," or that "he had sold his body and soul, *ib.* 11032–11035——Mr. Conway said the people might shout and hoot at the election, but must not molest any of the soldiers or police, *ib.* 11038–11040.

2. *Conduct in regard to the Attack in Ballinrobe on the Claremorris Voters:*

Address of Father Conway to the mob on the occasion of the Claremorris voters entering Ballinrobe on the 5th April; he knelt on the top of a wall skirting the lane leading to Colonel Higgins's hotel, and spoke in Irish, cursing those who might vote for Colonel Higgins; actual words used, *Ruttledge* 134–156——Circumstance of Mr. Conway having suddenly disappeared from the wall in consequence of Mr. Joseph Bourke having presented a pistol and threatened to fire if his people were molested, *Rutlidge* 164, 165; *Prendergast* 554–559——Violent conduct of Mr. Conway subsequently to his address from the wall, *Ruttledge* 167, 168——Further statement as to the tenor of what Mr. Conway said to the mob in Irish, *ib.* 331–344. 347, 348.

Statement as to Father Conway, who was either upon or inside the wall, having continually, in Irish, invoked a curse upon any one who voted for Higgins; precise words used, *Prendergast* 421–454. 542–554. 620–623. 665–668——Manner in which the words were uttered,

Report, 1857—*continued.*

CONWAY, REV. PETER—continued.

2. *Conduct in regard to the Attack in Ballinrobe, &c.*—continued.

uttered, *Prendergast* 442–449——The effect of the words upon some of the voters was that of disgust, though it was calculated to awe them, *ib.* 450–453. 592–598——When witness heard the words spoken by Mr. Conway, there was not much noise or commotion in the lane, *ib.* 537–541. 616–619.

Statement as to Father Conway and some of the mob having appeared on the wall, separating Gildea's hotel from the lane; probable height of this wall from the ground in the yard, *Bourke* 751–757. 771. 776–780. 895–905——Father Conway knelt on the wall, took off his hat, and began to speak in Irish, *ib.* 756–761. 999–1002——Statement that Mr. Conway, when on the wall, stooped down and put his hand on a stone, but did not throw it, *ib.* 763–766. 881–899——Statement as to Mr. Conway having at one period told the mob, in English, not to hurt the soldiers or the police, *ib.* 908–925. 1003, 1004.

Witness saw Father Conway address the people from a wall skirting the lane, but did not hear what he said, *O'Connor* 1223–1229. 1301, 1302. 1305–1309——Witness subsequently heard Mr. Conway speaking in the street, when, among other things, he said, "That son of Isidore Bourke deserves to be hanged," *ib.* 1230–1234. 1310–1313.

Statement as to the Rev. Mr. Conway having uttered, in Irish, a curse on the occasion of the voters going up the lane, *Griffin* 1819–1825——Witness does not speak Irish, but fully understood Mr. Conway to have cursed the supporters of Colonel Higgins, *ib.* 1819–1824——Mention of some of the words used by Mr. Conway in Irish, *ib.* 2243–2153.

Examination as to the proceedings in the lane, and the conduct of Mr. Conway; witness did not see him on the wall, *Martyn* 9868 *et seq.* 10124–10157. 10330–10342——Mr. Conway seemed to be talking in a heated manner towards Mr. Bourke and others; this was at the time that Mr. Bourke gave up his pistol, *ib.* 9868–9871. 10072–10075. 10109–10125. 10132–10154. 10337–11342.

Witness did not see Mr. Conway on the wall, *Graburn* 10557–10559. 10645–10651——When witness first saw Mr. Conway he was on horseback and was talking rather excitedly about a pistol having been presented at him, *ib.* 10560–10566. 10655, 10656. 10700——Circumstance of Mr. Conway having told the mob not to hurt the police or the soldiers, *ib.* 10567–10569. 10657, 10658. 10683–10688.

On the Rev. Mr. Conway coming into Gildea's hotel yard, he asked witness to do all he could to keep the people from committing any breach of the peace, and witness did so, *Welch* 10734–10739. 10958——Explanation as to Mr. Conway having, by his own request, been pushed on the top of the wall separating Gildea's yard from the lane; the wall is about eight feet high, and so narrow on the top that Mr. Conway, instead of standing, was obliged to kneel upon it, 10740–10750. 10764. 10786–10792. 10932–10942. 10993–10997——Witness was near Mr. Conway when he addressed the people from the wall and told them to keep the peace, &c.; he spoke in English with his hat on, *ib.* 10751–10764. 10955–10957.

Explanation as to Mr. Conway having appeared on the wall by the side of the lane in a position between kneeling and lying; he could not have stood upon the wall, *Fleming* 11050–11056. 11111–11115. 11161–11165——Witness heard Mr. Conway address the people in English and tell them to be quiet, but did not hear him speak in Irish, *ib.* 11057–11064. 11116–11133. 11166, 11167——Mr. Conway seemed excited when speaking from the wall, *ib.* 11167.

3. *Conduct in the Kilmaine Polling-booth:*

Witness saw Mr. Conway shake his fist in a voter's face, *Bourke* 792–796——Mr. Conway was the first person to vote in the Kilmaine booth; his manner on the occasion, *Sharkey* 5181–5183——Circumstance under which witness sent for a stipendiary magistrate, with a view to giving Mr. Conway into custody for undue interference in the booth on Monday; eventually he made Mr. Conway sit by his side on the bench and keep quiet, *ib.* 5195–5198——Remarks by Mr. Conway in the booth relative to Colonel Higgins, and in condemnation of his conduct, *ib.* 5199–5209.

Reference to a complaint in regard to the conduct of Mr. Conway in the polling-booth; course taken thereon by the deputy sheriff, *Knox* 7251–7253——Troublesome conduct of Mr. Conway in the polling-booth, which caused Mr. Sharkey to threaten to commit him, *Sir R. Bloss* 7602–7611.

4. *Active and influential Part taken generally by Mr. Conway in behalf of Mr. Moore:*

Father Conway appeared to be leading the mob at Ballinrobe, *Prendergast* 416–420——On Sunday afternoon the 5th April, witness saw Father Conway addressing the mob in the street, but did not hear what he said, *French* 1050–1052. 1061–1067. 1119, 1120. 1127–1131——Evident controul possessed by Mr. Conway over the mob, who

CONWAY, REV. PETER—continued.

4. *Active and influential Part taken generally by, &c.*—continued.

stopped witness and his father on going to Ballinrobe on Sunday, the 5th April, *Burke* 1469-1475——Father Conway addressed mobs directing the voters not to support Colonel Higgins, *Hearne* 1707, 1708.

On Sunday the 5th April, witness, who was one of Colonel Higgins's agents, found Father Conway talking to some voters of Colonel Higgins's at Monahan's hotel, and had considerable difficulty in getting rid of him; Mr. Courtenay Kenny was present, *Griffin* 1787-1808——These voters were tenants of Lady de Clifford, *ib.* 1793, 1794——Address of Father Conway to the mob on Sunday, with a view to intercepting certain of Colonel Higgins's voters expected to arrive by the railroad; these voters did not reach their destination, *ib.* 1843-1849. 1857-1864——Improper conduct of Father Conway towards witness and Mr. Tighe on Sunday afternoon, *ib.* 1851-1854——Father Conway constantly addressed the mobs during the election, and had unlimited control over them, *ib.* 1868-1871.

As regards the conduct of Father Conway, witness does not recollect having been assaulted in 1852 by a mob urged on by him, *Knox* 7161-7175——Mr. Conway is doubtless a dangerous man at the head of a mob, *Sir R. Bloss* 7520-7522——Mr. Conway did nothing that was violent or intimidating, so far as witness saw, *ib.* 7597——Witness did not see Mr. Conway in the street at all, 7638-7641——Witness saw Mr. Conway on the Monday, followed by some Ballinrobe scoundrels, *Hon. J. Brown* 7834-7839.

Address of Mr. Conway on Sunday from the windows of Gildea's hotel; examination as to his remarks on this occasion, *Martyn* 9853-9859. 10072-10118. 10316-10321——Mr. Conway is, in witness's opinion, a hot-headed and excitable person, 10072-10075——Witness did not hear Mr. Conway say, when addressing the people from Gildea's hotel on Sunday, that he wanted 100 men to meet him in a short time, *ib.* 10081-10086. 10104-10106——After the speech at the hotel, witness saw Mr. Conway on horseback, galloping towards the lane where the Claremorris voters were expected to come in, *ib.* 10110-10123——Circumstance of peace having been restored on Sunday evening about the time that Mr. Conway started on horseback for the Neale-road, *ib.* 10158-10166. 10327-10329——A subscription was made for Mr. Conway relative to the petition or election; witness did not subscribe to it, *ib.* 10275-10281. 10285-10293.

On leaving the crowd at the hotel, Mr. Conway rode part of the way to the barracks with witness, who did not see him again during the day, *Graburn* 10652, 10653. 10689. 10697-10699——After the proceedings in the lane on Sunday the 5th April, witness did not see Mr. Conway again on that day, *Welch* 10987-10992.

5. *Temporary Absence from Ballinrobe in consequence of threatened Arrest:*

Circumstance of Mr. Conway having gone out to the house of witness's father after the adjournment on Tuesday, *Burke* 1642-1648. 1678——Reference to a letter received by witness on Wednesday morning (the 8th April) from his sister, relative to Mr. Conway, *ib.* 1649-1647. 1665-1667.

Statement relative to an application to witness on Tuesday, founded on an affidavit by Mr. Burke, of Ower, to issue a warrant for the arrest of Mr. Conway; subsequent communication of Mr. Conway and witness, after which, on the evening of Tuesday, he left Ballinrobe, *Sharkey* 5190-5194. 5493-5506. 5550-5552.

There was some talk on Tuesday, of arresting the Rev. Mr. Conway, but at witness's suggestion he was induced to keep away from the town; belief that his contemplated arrest was with a view to a petition, *Hon. J. Brown* 7744-7748. 7872-7874.

6. *Placard issued by Mr. Conway exhorting to Order on the last Polling-day:*

On Wednesday morning witness saw several placards, signed "P. Conway," with reference to the presence of the people in the streets, and requesting every one who was not a freeholder to keep away (copy of the placard handed in), *O'Connor* 1275——Information relative to some placards printed by witness on Wednesday morning, the 8th April; the manuscript was in the handwriting of the Rev. Mr. Conway, *Kelly* 1358-1385——Effect of the placards adverted to with reference to the quiet state of the town on Wednesday, *Knox* 7099-7106. 7176-7179; *Hon. J. Brown* 7848-7852. 7913-7918——Witness did not distribute any of the placards, *Sir R. Bloss* 7561-7564.

7. *Communication or Concert between Mr. Conway and Mr. Moore:*

Witness was canvassed for his vote by Mr. Moore and the Rev. Mr. Conway, who came together on the occasion, *Hearne* 1698-1703——Witness declined to vote for Mr. Moore, though urged to do so by him and Father Conway, *ib.* 1702——On the day before the nomination Mr. Moore and Father Conway were at Ballinrobe together, *ib.* 1704-1706. 1709-1712. 1766-1771——Father Conway joined Mr. Moore at Gildea's hotel, and addressed the people, *ib.* 1738-1742.

On

Report, 1857—*continued.*

Conway, Rev. Peter—continued.

7. *Communication or Concert between Mr. Conway and Mr. Moore*—continued.

On Wednesday, when the polling closed, witness saw Mr. Moore in Ballinrobe, accompanied by Father Conway and other priests; he appeared to be going to Mr. Conway's house, *Griffin* 1987–1999—On Sunday the 29th March, or some four or five days before the election, witness saw Father Conway driving through Ballinrobe in Mr. Moore's carriage, *ib.* 2000–2005. 2220–2224.

Witness had no direct communication with Mr. Conway during the election, *Knox* 7143–7151——Circumstance of Mr. Moore addressing the people on Wednesday the 8th of April, having first asked where Father Conway was; Mr. Conway subsequently joined the people, *Martyn* 10228–10242——Mr. Moore, in addressing the people on Wednesday, said something about Father Conway; the latter subsequently joined him and made a speech, *Wardlaw* 10472–10474. 10490–10498.

Explanation as to witness having stayed with the Rev. Mr. Conway when at Ballinrobe, *Moore* 13110——Friendship between Mr. Conway and witness; it dates from the time of the famine, when Mr. Conway was extremely zealous, and saved the lives of many people, *ib.* 13110–13112——Explanation of the circumstances under which Mr. Conway went with witness in his carriage to Castlebar on the day of nomination, *ib.* 13114*, 13115. 13117——Witness had very little communication in any way with Mr. Conway during the election, less so, in fact, than with almost every other influential elector who supported him, *ib.* 13128——In consequence of information of some proceedings at Ballinrobe relative to Mr. Conway, witness left Castlebar on Tuesday evening and arrived in Ballinrobe before the close of the adjourned poll there on Wednesday, *ib.* 13158–13163——Witness addressed the people at the close of the poll, and having heard that Mr. Conway was in dread of arrest, and was absent, asked the people, in a bantering tone, where he was, *ib.* 13165.

8. *Statement by Archbishop M'Hale:*

Mr. Conway has never been witness's secretary, but may casually have written a letter for him, *Archbishop M'Hale* 6313–6317——Witness did not, during the election, hear anything about Mr. Conway's conduct at the election, *ib.* 6600——Since the election Mr. Conway has been at witness's house and witness has been at his house, *ib.* 6601–6608. 6620, 6621.

9. *Presence of Mr. Conway in London during the Examination of Witnesses:*

Witness has recently seen Mr. Conway about the House, *Sharkey* 5212–5214——Mr. Conway is now in London, *Martyn* 9993–9998——Circumstance of witness having recently seen Mr. Conway at Mr. Martin's office; nothing was said about the election or the petition, *Welch* 10959–10990. 11006–11111.

10. *Condemnation by the Committee of the Conduct of Mr. Conway:*

Resolution of the Committee that in the exercise of undue influence and spiritual intimidation the Rev. Peter Conway and the Rev. Luke Ryan were so prominently active, that the Committee deem it their duty specially to report their conduct to The House, in order that such steps may be taken as may seem to The House to be proper and necessary, *Rep. p.* iii.

See also *Ballinrobe. Canvass of Electors. Intimidation. Liver, Walter. Roman Catholic Clergy. Violence.*

Corrupt Practices. See *Abduction of Voters. Altar Denunciations or Addresses. Bribery. Illegal Practices. Intimidation. Roman Catholic Clergy. Undue Influence. Violence and Excitement.*

Costello Barony. Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

See also *Ballyhaderreen, &c. Ballyhaunis, &c.*

Coyne, Rev. Mr. Circumstance of the Rev. Mr. Coyne, curate of Dr. M'Hale, having insulted witness about her coming before the Committee to give evidence, *French* 1186–1199.

Creagh, Colonel Jasper. (Analysis of his Evidence.)—Was staying with Captain Palmer at the time of the late election; is not an elector of Mayo, 9380–9384——On the day of the nomination, and on the first day of the election, Castlebar was particularly quiet, 9385–9387. 9439, 9440——Circumstances under which a Protestant clergyman having accompanied Mr. Ormsby and witness to Swinford, 9388–9392. 9426–9432——Swinford, also, was very quiet on Monday, the first day of the polling, 9393–9398. 9424, 9425——Witness has been at other Irish elections, which have been much less quiet than that for Mayo, 9393–9395. 9423–9425. 9438–9440——Comment on the circumstance of the troops having been ordered to clear the street of Swinford on Monday; it was a very unnecessary

Report, 1857—*continued.*

Creagh, Colonel Jasper. (Analysis of his Evidence)—*continued.*

unnecessary proceeding, 9399-9425——Whilst witness was at Castlebar, during the polling, an application was made by Mr. Lee for a second booth for Tyrawley, 9434-9437.

Crossmolina. See *Tyrawley Barony.*

Cummins, Peter. One of Colonel Higgins's voters, named Peter Cummins, was nearly killed at Claremorris by a blow from a stone, *Rutlidge* 98-101. 108, 109——Peter Cummins was with witnesses party of voters at Claremorris, but did not go on to Ballinrobe, *Bourke* 701-707——Witness saw Peter Cummins on Sunday the 5th April; he seemed badly hurt, but was walking without assistance, *Hon. J. Browne* 7904-7908. 7912.

Curley, Rev. Michael. On the day before the nomination, witness saw the Rev. Mr. Curley, at the head of about 200 persons, walking up and down opposite Messrs. Moore and Palmer's committee-room at Castlebar, *Montgomery* 4746-4764. 4792——During the election, application was made to witness for a warrant against Mr. Curley, but he objected to grant it, through fear of greater excitement, *ib.* 4765-4769——As the Westport voters poured into the Court-house, Mr. Curley went near them and called them traitors, *ib.* 4780, 4781. 4785-4788.

Statement as to the violent conduct of Mr. Curley on the 2d April; he headed the mob with a breviary in his hand, and encouraged them to all kinds of violence towards Colonel Higgins's supporters, *Sir R. O'Donnell* 5698-5722——Circumstance of Mr. Curley being now in London, *ib.* 5709-5711——Witness felt it his duty, on the 2d April, to offer to swear informations on which to arrest Mr. Curley, *ib.* 5719, 5720——Very conspicuous conduct of Mr. Curley at the nomination; he acted as a sort of fugleman to the crowd, *ib.* 5730-5742——Further statement as to the conduct of Mr. Curley on the 2d April, more especially as regards his holding up his breviary to the people, *ib.* 6071-6098.

Circumstance of the Rev. Michael Curley having recently acted as witness's secretary, in writing, by his direction, a certain letter to the Parliamentary agents for the petitioner, *Archbishop M'Hale* 6336-6342. 6345, 6346——Mr. Curley came to England with witness, but on other business than that of the election petition, *ib.* 6343-6345. 6615. 6619——Mr. Curley is the priest of Kilgeevor parish, and was appointed by witness, *ib.* 6347-6349——Part taken by Mr. Curley at a meeting at Lanesburgh, in September last, with regard to the introduction of Mr. Moore, *ib.* 6381-6384. 6402-6406.

Witness had communication with Mr. Curley and other priests relative to their supporting Captain Palmer, *Sir R. Bloss* 7476-7491——Mr. Curley was very active on the nomination day, but did not act as fugleman to the mob, *ib.* 7494-7501. 7615-7622.

Witness saw the Rev. Mr. Curley in the Court-house on the nomination day, but did not notice anything particular in his conduct; he did not act as fugleman to the mob, *J. Jordan* 8675-8683. 8776-8790.

Circumstance of witness having brought the Rev. Mr. Curley in his car from Westport to Castlebar on the day before the nomination; explanation as to his having his breviary with him, *M'Greal* 11299-11311——Mr. Curley subsequently addressed the people from witness's house, and begged them to be quiet, *ib.* 11322-11331.——At the nomination Mr. Curley requested the people to hear patiently Dean Burke and other supporters of Colonel Higgins; his influence was entirely directed towards keeping the people quiet, *ib.* 11334-11339. 11696, 11697——Circumstance of Mr. Curley and witness having recently been together in London, *ib.* 11365-11381——Presence of Mr. Curley in Castlebar on the occasion of Mr. Moore's entry to the town on Monday the 30th March, *ib.* 11490-11499.

Witness did not see Mr. Curley with the crowd, with whom witness and the other hired men of Colonel Higgins's quarrelled on the day before the nomination, *Hanley* 12153-12157. 12168-12172.

Curran, Henry Grattan. (Analysis of his Evidence.)—Is son of the celebrated Curran, 4217——Was sent by Government to take charge, as stipendiary magistrate, of the Swinford polling-place at the late election, 4218-4221. 4315-4318——Went to Swinford on the 27th March, and stayed at the hotel, 4222-4224——On or about the 27th March witness saw Mr. Moore come into Swinford, accompanied by some priests, a large crowd and a band of music; there was a good deal of excitement, 4225-4239. 4330-4333——Two Roman Catholic clergymen, Archdeacon Coghlan, and Mr. Ivers, curate of Swinford, were with Mr. Moore, 4228-4233.

Speech made by Mr. Moore on this occasion; strong remarks therein in regard to Colonel Higgins's supporters, 4240-4258. 4341, 4342——Prominent part taken by Archdeacon Coghlan in inciting the crowd to cheer, &c., 4243-4248——Efforts on the part of Mr. Moore to create excitement, 4259-4261——Statement as to witness having remonstrated with Mr. Moore with reference to a collision which took place opposite the hotel, 4262-4268——Remark by Mr. Moore to witness, that the people had a right to shout; he subsequently told them to shout and make a noise, 4268. 4354-4356.

Circumstance

Report, 1857—*continued.*

Curran, Henry Grattan. (Analysis of his Evidence)—*continued.*

Circumstance of the Rev. Mr. Ivers having, in Mr. Moore's presence, beaten some of the crowd violently with a stick; no provocation was given, nor retaliation offered, 4271-4276. 4280, 4281. 4343-4353. 4411-4414——The excitement on the evening of Mr. Moore's entry into Swinford was so great that witness ordered out a patrol of dragoons, 4277. 4414, 4415——Both infantry and dragoons were placed at witness's disposal; names of the officers, 4278. 4328, 4329——Relative position at the election of witness, and of the magistrates deputed by the sheriff; his powers did not supersede those of the resident magistrates, 4279. 4301-4303. 4391-4393.

Statement as to witness having committed two men of the name of Thompson for assault, and as to their having been subsequently liberated by Mr. Moore, in his capacity as magistrate, without any reference to witness, 4282-4311. 4357-4372——Witness left Swinford on the day after the polling, 4312——Exciteable character of Irish mobs generally, 4319-4325——It is a common practice to send military to contested elections in Ireland, 4326, 4327——Witness did not see Mr. Eames, the Protestant clergyman at Swinford, take aa active part for Colonel Higgins at the election, 4335-4339——Colonel Higgins's committee-room, at the hotel, was open to all those staying there, 4339, 4340.

Reference to a charge made before witness against one Cavanagh for having fired a pistol; witness investigated the case, considered the charge was totally false, and did not take Cavanagh's pistols from him or proceed further in the matter, 4373-4404——Part taken by a man named Jordan in the charge against Cavanagh; witness declined to take down, at his suggestion, a statement as to Cavanagh having been treated at Colonel Higgins's expense, 4382. 4390. 4405-4409——As regards Irish mobs they are doubtless much influenced by the priests, 4410——During the election witness found it necessary to call out both military and police, 4415.

Curran, Mr. Mr. Curran acted as a partisan at the election, *J. Jordan* 8197-8205——Circumstance of Mr. Curran having stopped at Colonel Higgins's hotel, when he might have put up at other places, *ib.* 8200-8203. 8687-8694.

D.

Declaration of the Poll. Statement as to Colonel Higgins having, on the day before the declaration of the poll at Castlebar, applied through his agent to have some hundred votes struck off the poll, *Moore* 13169——This application was seriously entertained by the high sheriff, *ib.*——*See* also *Assessor.*

De Clifford Tenantry. Lady De Clifford's tenants came to Monaghan's Hotel, Ballinrobe, on the morning of Saturday the 4th April, to vote on the Monday for Colonel Higgins, *Griffin* 2120-2124.——*See* also *Conway, Rev. Peter* 4.

Denunciations. See *Altar Denunciations.*

Deputations to Magistrates. See *Magistrates.*

Deputy Sheriffs. How far the deputy sheriffs appointed by the sheriff were partisans of Colonel Higgins, *Ruttledge* 213-237. 242-276——Mention of some of the names on Colonel Higgins's committee, as having been deputy sheriffs, or deputed magistrates, *Ruttledge* 223-236. 269-275. 373 375; *Bourke* 817 *et seq.*, 955 *et seq.*——Difficulty in obtaining deputy-sheriffs at Irish elections, as they must be 50*l.* freeholders, *ib.* 376-379.

Witness resides in Roscommon; has no connexion with the county of Mayo, *Sharkey* 5104. 5249-5251——Acted as deputy sheriff for the barony of Kilmaine at the late election; was appointed by the high sheriff, Captain Higgins, *ib.* 5105. 5252-5254. 5291. 5298. 5543-5545——Necessity of a 50*l.* qualification, in order to act as deputy sheriff; possession of this by witness, though he is not a freeholder, *ib.* 5106. 5255-5264. 5546.

On the evening of the 5th April witness drove from Castlebar to Ballinrobe, and put up at Gildea's Hotel, where the car stopped, *Sharkey* 5129-5133——Examination in the circumstance of witness, a supporter of Colonel Higgins, having stopped at the hotel belonging to the opposite party and placarded with their names, *ib.* 5133-5138. 5336-5348. 5383-5407.——Some police officers were also staying at Gildea's Hotel, *ib.* 5138. 5395——Witness remained at the hotel until the close of the poll on Wednesday *ib.* 5150.

With reference to the appointment of witness as deputy sheriff, he admits that he is a partisan of Colonel Higgins, *ib.* 5265-5269——Witness never made a speech at a certain meeting in Dublin, in favour or defence of Colonel Higgins, *ib.* 5270-5290——When witness was in Castlebar, at the nomination, he stopped at the hotel of Moore and Palmer, *ib.* 5292-5297——Witness was sworn as deputy-sheriff on the 5th April, *Sharkey* 5350-5354——

Deputy Sheriffs—continued.

5354——Remarks made by witness on opening the Kilmaine booth, with a view to the preservation of peace and order; reference thereon to the course of conduct expected from the Roman Catholic clergy, *ib.* 5355-5382. 5547.

Circumstance under which it was not known at first, at Gildea's Hotel, that witness was the deputy sheriff, *Sharkey* 5383-5391 ——Further statement as to the propriety of witness having continued at the hotel, where the proceedings of the opposite party were subject to his observation, *ib.* 5392-5407.

Duties devolving upon the deputy-sheriff in each booth at Ballinrobe, *Knox* 7254. 7263-7268——The deputy sheriffs are selected by the high sheriff, there being no particular rule laid down so as to appoint so many of each party, *ib.* 7280-7283——It has not been usual, in Mayo, to appoint violent partisans as deputy sheriffs; they are appointed by the sheriff after the nomination, *Sir R. Bloss* 7349-7351. 7356. 7360——Mr. Sharkey and Mr. Jennings were the deputy sheriffs at Ballinrobe, *ib.* 7352-7355——A great many of the deputy sheriffs were on Colonel Higgins's committee, *ib.* 7793, 7794.

Comment upon the partial course adopted by the high sheriff, Colonel Higgins's father, in appointing deputy sheriffs at the late election; they were selected from the most unscrupulous partisans of Colonel Higgins, *Moore* 13067-13071. 13136——The appointment of Mr. Sharkey was the work of all, *ib.* 13071. 13136——Witness had reasons before the election for forming a very low opinion of Mr. Sharkey, *ib.* 13071. 13166, 13167.

See also *Adjournment of Poll* (*Ballinrobe*). *Ballinrobe*, I. 4, II. 4. *Brabazon, Captain.* *M'Donnell, Edward.* *Polling-booths and Polling.*

Duffy, ——. Reference to a man named Duffy, a supporter of Moore and Palmer, whom Mr. Sharkey ordered to be put in gaol for saying something in the polling-booth at Ballinrobe, *Welch* 10853-10859—— Duffy was on the wall, near Mr. Conway, when the Claremorris voters arrived in Ballinrobe; he had no stick in his hand, *ib.* 10947-10954.

Dunleary, Michael. An elector of the name of Dunleary was expected to vote for Colonel Higgins, but he was taken away by the other party, *M'Manus* 3727-3731. 3758——Statement as to Dunleary having been compelled by the mob, at Swinford, to vote for Moore, as well as Higgins, he having intended to plump for the latter, *Lavin* 3831-3837. 3938-3974——Violence used towards witness on this occasion; Dunleary's son, as well as himself, was struck violently by Patrick Sheridan, Mr. Moore's bailiff, *ib.* 3837-3844. 3956-3961——Doubt as to the supporters of Colonel Higgins, who may have been close by when Dunleary left the car to vote for Moore and Higgins, *ib.* 3941-3955.

On the first day of polling, witness took a great many voters from Bohola to Swinford, *J. Jordan* 8053-8055——One of these was a man named Dunleary, a tenant of witness, *ib.* 8056-8059——Particulars as to Dunleary having been dragged off the car in Swinford, and taken into the polling-booth by Mr. Charles Strickland, Mr. George James O'Malley, and others, *ib.* 8060-8094. 8110-8118——Witness heard that Dunleary polled for Moore and Higgins, *ib.* 8119——Explanation of the circumstances under which the voter, Dunleary, was at witness's house on the evening and night before the first polling day, *ib.* 8544-8558. 8607-8615. 8638-8643. 8663-8670.

Witness never heard that Dunleary had promised to vote for Colonel Higgins; circumstance of his being a tenant of Mr. Taafe, adverted to hereon, *J. Jordan* 8546-8551. 8657-8662——Dunleary was not drunk when he came to witness's house, *ib.* 8555-8558——Witness's son brought Dunleary from Bohola to Keltimagh, *ib.* 8638-8643——Witness's son said that Dunleary had told him he was afraid of being taken away by Mr. M'Manus, *ib.* 8668-8670.

Explanation as to the steps taken by witness in order to secure the vote of Dunleary, one of his father's tenants, for Moore and Palmer, and to prevent his being got hold of by the opposite party, *E. F. Jordan* 8902-8915——Witness, Dunleary, and several other voters went in cars to Swinford on Monday morning, *ib.* 8910-8919——Particulars as to the violence used towards Dunleary by several magistrates, and other supporters of Colonel Higgins, in order to get him into the Court-house, and as to the pressure put upon him there, under which he ultimately voted for Colonel Higgins and Mr. Moore, *ib.* 8920-8974. 9356-9359.

Witness saw Dunleary dragged by several persons from a car to the Court-house, *O'Dowd* 12643-12651.

Durcan, Dean. Belief that Dean Durcan was not sitting next the returning officer in the booth at Swinford when witness was there on Monday, *E. F. Jordan* 9360-9364.

Durcan, Dr. Dr. Durcan, one of the bishops who signed the placard headed "Men of Mayo," was at the nomination, *Ruttledge* 53-56.

Witness was probably in error in saying that Dr. Duncan was at the nomination; explanation hereon, *Ruttledge* 281-289.

Durcan, Michael. Particulars relative to the abduction of a voter named Michael Durcan, who was going on one of Colonel Higgins's cars to vote for him at Swinford, but was taken away by the mob, *M'Manus* 3491–3515. 3753–3757.

E.

Eames, Rev. Mr. Witness did not see Mr. Eames, the Protestant clergyman at Swinford, take an active part for Colonel Higgins at the election, *Curran* 4335–4339——Statement as to witness's son having been struck opposite Colonel Higgins's hotel; conversation subsequently with Mr. Eames, the Protestant rector, on the subject, *J. Jordan* 8007–8020——Witness heard Mr. Eames's son, at Swinford, and several others, groaning for Moore, and huzzaing for Higgins, *E. H. Jordan* 8831—— Witness observed Mr. Eames very excited about something, *Moore* 13096–13098.

Erris Barony. Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

Escort of Voters. Colonel Higgins's voters were brought to the poll at Ballinrobe under escort; but this has always been the case in regard to the voters of the unpopular candidates, *Knox* 7046–7049. 7152–7160; *Sir R. Bloss* 7323–7329. 7347. 7502–7510. 7623——Witness understood that in one part of the county the voters of Mr. Moore and Captain Palmer required protection, *Sir R. Bloss* 7541——An escort was not required for the voters taken by witness to Swinford, *J. Jordan* 8799–8801.

The unpopular candidate always requires an escort for his voters, *Lord J. Browne* 9516, 9517——Whenever the elections for Mayo have been contested there have always been escorts for the unpopular party, *Martyn* 10354, 10355——It is the common practice in Ireland to have escorts for the unpopular side at elections, *Wardlaw* 10506–10509——Escorts were required for Colonel Higgins's voters only, *Graburn* 10664–10666.

See also *Ballinrobe*, I. 1. 3; II. 1. 3. *Castlebar. Louisburgh. Military.*

Excitement. See *Violence and Excitement.*

Expenses of Candidates. Colonel Higgins had nothing whatever to do with the expenses of his voters, *Griffin* 2252, 2253.

F.

Feargus, Patrick. (Analysis of his Evidence.)—Shopkeeper at Ballinrobe, 11175–11177——Was not canvassed for his vote by Mr. Griffin, 11179, 11180. 11279——Intended to vote for Colonel Higgins; but having been asked by the Rev. Mr. Conway to support Moore and Palmer, and having a great respect for Mr. Conway (who is godfather to one of his children), was induced to vote for the latter gentleman, 11181 *et seq.*——When Mr. Conway came to witness's house to ask him for his vote, he was accompanied by several people; but no intimidation was used towards witness, nor has he ever said there was, 11189 *et seq.*

Fleming, James. (Analysis of his Evidence.)—Miller at Ballinrobe, 11017–11019——Heard the Rev. Mr. Conway address the congregation from the altar, on Sunday the 5th April, relative to the election; language used by him, 11020–11041. 11168–11174——Circumstances under which witness was close to the gate of Mrs. Monahan's yard when Colonel Higgins's voters were in the lane, on the afternoon of Sunday the 5th of April, 11041–11049. 11134–11137——Explanation as to Mr. Conway having appeared on the wall by the side of the lane in a position between kneeling and lying; he could not have stood upon it, 11050–11056. 11111–11115. 11161–11165.

Witness heard Mr. Conway address the people in English, and tell them to be quiet; but did not hear him speak in Irish, 11057–11064. 11116–11133. 11166, 11167——Particulars as to Mr. Joseph Bourke having presented a pistol at Mr. Conway, and as to his having subsequently given up his pistols to Mr. Arabin, 11066–11075——The gate to Monahan's yard was not closed when witness was there, but it took some time to get the voters into the yard, 11076–11085——In the evening of Sunday there was some shouting in the town, but no violence, 11086–11091.

On Wednesday witness saw Mr. Sharkey pass Mr. Moore's hotel with the poll books, but did not hear him say anything as he passed, 11092–11106——No stones were thrown on this occasion, 11107–11110——Witness gave something on Sunday the 28th June to the Moore indemnity fund; no address was then made in chapel about the petition, nor was the petition read, 11138–11153——Witness has not seen Mr. Conway in London, 11157–11159.

French, James. (Analysis of his Evidence.)—Resides at Tuam; is a Roman-catholic, and a voter for the county of Mayo, 101–11015——Went to Ballinrobe on Saturday the 4th of April, for the purpose of voting for Colonel Higgins, 1016–1019——The town was perfectly

Report, 1857—*continued.*

French, James. (Analysis of his Evidence)—*continued.*

fectly quiet on the Saturday and the earlier part of Sunday, 1020. 1049——On Sunday the 5th April witness went to chapel at Ballinrobe, and heard the Rev. Mr. Conway address the congregation about the election, using violent language against Colonel Higgins, and saying that "the curse of God would follow every man who supported him;" this was before the conclusion of the mass, 1021–1048. 1096–1109.

Explanation as to witness having made a memorandum of what Father Conway said; this was done shortly after mass by the suggestion of Mr. Courtenay Kenny at the house of Mr. Griffin; the memorandum in question read, 1026–1044. 1110–1118——Excited state of the town on and after the afternoon of Sunday, 1049–1057. 1126–1129——On Sunday afternoon witness saw Father Conway addressing the mobs in the street, but did not hear what he said, 1050–1052. 1061–1067. 1119, 1120. 1127–1131.

Some of witness's tenants would not come to Ballinrobe to vote, and those few who did vote for Colonel Higgins were obliged to be escorted to the polling booth, 1057–1060. 1132–1136. 1173–1175——Witness told those who would not come that he did not care for whom they voted, 1057. 1182——Dean Bourke and Mr. Hugh were the only parish priests who supported Colonel Higgins, 1068–1072.

Witness and his voters were at Monahan's hotel, 1074–1076——Different persons seen by witness at Monahan's hotel; it was the head-quarters of Colonel Higgins's voters, and was constantly surrounded by the mob, who kept the people inside in a very excited state, 1077–1095. 1121–1126——On Monday the 6th April witness brought his voters to the poll, and remained in the booth for some time, 1132–1146——On Tuesday witness was in the booth till the polling was adjourned on affidavit; the adjournment was very proper, 1147–1163.

Difficulty in getting witness's tenants away from Ballinrobe on account of their fear of the mob, 1164–1172——Mr. Tighe's house, opposite the hotel, was guarded by the police, 1183–1185——Circumstance of the Rev. Mr. Coyne, curate of Dr. M'Hale, having insulted witness about his coming before the Committee to give evidence, 1186–1199——Reference to a certain document (the purport of which does not transpire) as having been received by witness on the 14th of June, 1200–1211.

G.

Gallen Barony. Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

Gannon, John. (Analysis of his Evidence.)—Farmer at Dugarra, near Castlebar; is a freeholder of Mayo, 4850–4854——Was urged before the election by the Rev. Mr. Cahill to vote for Moore and Palmer, but told him he would vote on the same side as his landlord, Lord Erne, 4855–4870——Witness subsequently went to Castlebar and stayed at the house of one Barrett till the first day of polling, when he went to the court-house, but the poll was closed, 4872–4881——Witness met Father Green at the court-house, and was taken by him to Mr. Clarke's, where two men were told to take care of him, but when Father Green went away witness left the house, 4882–4892. 4896.

On leaving Clarke's, witness went to the house of John Hopkins, a car-driver, and remained there on Monday night, 4892–4395——Father Cahill and Father Hostie came to Hopkins's on Tuesday morning, and asked witness to vote for Moore and Palmer; threats held out by them on this occasion, 4897–4906——They were accompanied by two men, one of whom was drunk, and a fishwoman, who was very abusive to witness; she was removed by Father Hostie, 4907–4918. 5030–5043. 5094–5097.

As witness was going to the poll on Tuesday he was met and accompanied by Fathers Green, Hostie, Cahill, and another priest, but he plumped, nevertheless, for Colonel Higgins, 4919–4931. 5044, 5045. 5060——Father Green said at the court-house there was something bad in witness's countenance, and had him sworn at the table, 4929. 4933–4936——After voting witness was hooted, but was escorted back to Hopkins's house, and remained there till the following day, 4932. 4937–4941——On the day after the polling witness was severely spoken to in the street by Father Curley and Father Cahill, and was much hooted, 4942–4953.

Since the election witness has remained away from mass through fear of being spoken against in chapel, 4954–4957. 4966–4968——Witness sent an Easter offering to Mr. Cahill, but it was returned, 4958–4965——Examination as to former communications between Fathers Hostie and Cahill and witness relative to disputes in witness's family, that is, between himself and his wife, or his wife's father, 4969–5015. 5061–5064. 5087–5093——Witness was never canvassed before the election for Colonel Higgins, but was merely told by Hopkins how Lord Erne would vote, 5016–5029.

The conduct of the priests did not frighten witness very much, 5044. 5102——Witness has frequently spoken about the election to one Macartney, a publican in Castlebar,

Report, 1857—*continued.*

Gannon, John. (Analysis of his Evidence)—*continued.*

Castlebar, but never told him that he (witness) had got money for his vote, 5048–5059——Good terms between the priest and witness during the lifetime of his first wife, 5061–5064. 5098–5101——Statement as to the refreshments obtained by witness when at Hopkins's and as to the payment of the same, 5065–5086.

Statement by counsel for the petitioner, relative to an attack in Castlebar upon the witnesses M'Laughlin and Gannon, after their return thither, *p.* 444.

Witness produces two letters received in the morning from James Conry and Thomas Cooley of Castlebar; they are dated 7th July, and refer to assaults upon the witnesses M'Laughlin and Gannon, *Colonel Higgins* 13014–13018. (*pp.* 444, 445).

Gavahan, ——. Statement as to a man of the name of Gavahan, in the employment of Captain Brabazon, having struck and knocked down one of Mr. Moore's tenants in Swinford, *E. H. Jordan* 8838–8840. 9217. 9241–9251——Explanation as to witness having pushed or struck Gavahan, after he had knocked down Mr. Moore's tenant, *ib.* 9233–9257——Gavahan acted as an agent for Colonel Higgins, *ib.* 9323–9325.

Geraghty, Rev. Mr. Violent address and exciting conduct of Mr. Geraghty at Ballyhannis, on the 31st March, *Sir R. O'Donnell* 5641–5663.

Gildea's Hotel (*Ballinrobe*). Statement as to some men, whom witness understood to be voters, having been forcibly brought up-stairs at Gildea's Hotel; one of them was carried into the committee-room, *Sharkey* 5139–5155. 5392–5400. 5557.

Explanation as to Mr. Sheridan, the agent for Moore and Palmer, having demanded that witness should leave Gildea's Hotel, on the ground that he was a trespasser there; this occurred after witness had retired to bed on the night of Tuesday, and was settled for the time by the interference of the magistrates and police called in by witness, *Sharkey* 5405–5429——An action has since been instituted against witness with reference to this matter, *ib.* 5410–5426——The person who let witness his bedroom stated that Moore and Palmer had no right to claim it, *ib.* 5424. 5427.

Graburn, Lieutenant John. (Analysis of his Evidence.)—Is in the First Royals, 10515, 10516——On Saturday, the 4th March, went with some dragoons from Castlebar to Claremorris, to escort some voters of Colonel Higgins thence to Ballinrobe, 10517, 10518. 10598–10602——About thirty voters on horseback, and several others on cars, were collected in Claremorris on Sunday morning, Mr. Routledge being the deputed magistrate in charge, 10519–10529. 10544, 10545——Before leaving the town some of the voters on horseback cheered once or twice, 10530–10536——On leaving the town some stones were thrown by a mob which had by this time collected, and one man in a car was hurt; the voters on horseback were some way in advance, 10537–10543. 10603–10612.

On approaching Ballinrobe some infantry and police came from the town to increase the escort, 10546. 10613–10619. It was not a wise course to enter Ballinrobe by the lane leading to the back of the hotel, on account of the wall on each side, 10547–10549. 10620–10622. 10689–10692——There was a large mob in the main street, and witness posted some of his men at the end of the lane so as to keep the crowd out, 10550–10553. 10623–10631——Some stones were thrown from the wall, or from behind it, 10554——By witness's direction one of the constabulary cleared the wall, 10555. 10556.

Witness did not see the Rev. Mr. Conway on the wall, 10557–10559. 10645–10651——When witness first saw Mr. Conway he was on horseback, and was talking rather excitedly about a pistol having been presented at him, 10560–10556. 10655, 10656. 10700——Circumstance of Mr. Conway having told the mob not to hurt the police or soldiers, 10567–10569. 10657, 10658. 10683–10688——Witness did not see any act of violence, either on the Monday, Tuesday, or Wednesday, 10570–10584——On the occasion of Mr. Sharkey passing through the mob with the poll-books on Wednesday, witness did not see any stones thrown, 10585–10597.

Witness and five dragoons kept back the crowd from entering the lane; but six or seven of them got through and made some slight interference, 10632–10640. 10679–10682. 10701–10705——Belief that all the voters were safely got into Monahan's Hotel; there was no material difficulty in the way, 10641–10644. 10693–10696. 10701–10705——On leaving the crowd at the hotel, Mr. Conway rode part of the way towards the barracks with witness, who did not see him again during the day, 10652, 10653. 10659. 10697–10699.

On the Monday or Tuesday witness escorted some voters from Cong to Ballinrobe, 10660–10662. 10672, 10673——Escorts were required for Colonel Higgins's voters only, 10664–10666——On Wednesday witness escorted some voters on their way home in safety, 10667, 10668. 10674–10678.

Green, Rev. Mr. Witness met Father Green at the court-house, at Castlebar, at the close of the first day's poll, and was taken by him to Mr. Clarke's, where two men were told to take care of him; but when Father Green went away witness left the house, *Gannon,*

Report, 1857—*continued.*

Green, Rev. Mr.—continued.

4882-4892. 4896—— Father Green said, on the following day at the court-house, that there was something bad in witness's countenance, and had him sworn at the table, *ib.* 4929. 4933-4936.

Witness was aware of Colonel Higgins's petition having been read in chapel by Mr. Green, but did not hear it read, *Archibald M'Hale* 6622-6642.

Witness has heard Mr. Green and Mr. Hosty speak from the altar relative to the election, and tell the congregation to support Moore and Palmer, but does not recolleet any severe language towards Colonel Higgins, *Armstrong* 12377-12404——The petition against Mr. Moore was read from the altar at Castlebar by Mr. Green, and commented upon; but witness does not know whether Dr. M'Hale was present at the time, *ib.* 12405-12416. 12438, 12439.

See also *Undue Influence*, 3.

Griffin, John. (Analysis of his Evidence.)—Attorney; resides partly at Ballinrobe, 1785, 1786——On Sunday the 5th April, witness, who was one of Colonel Higgins's agents, found Father Conway talking to some voters of Colonel Higgins at Monahan's hotel, and had considerable difficulty in getting rid of him; Mr. Courtenay Kenny was present, 1787-1808——These voters were tenants of Lady de Clifford, 1793, 1794——In consequence of a message received by witness on Sunday afternoon, he sent out an escort to meet the Claremorris voters, 1809-1811. 1814, 1815—— Particulars as to the violent treatment of these voters when entering Monahan's hotel by a lane at its back, 1812, 1813. 1816-1830——Statement as to the Rev. Mr. Conway having uttered, in Irish, a curse on this occasion, 1819-1825.

Evidence as to the violence of the mob on Sunday afternoon and evening; the hotel was in a state of siege, and witness found great difficulty in reaching his house, 1831-1856 ——Address of Father Conway to the mob on Sunday, with a view to intercepting certain of Colonel Higgins's voters expected to arrive by the Neale road; these voters did not reach their destination, 1843-1849. 1857-1864——Improper conduct of Father Conway towards witness and Mr. Tighe on Sunday afternoon, 1851-1854.

Impossibility of getting the voters to the poll at Ballinrobe without strong escorts, 1865-1867. 1872——Father Conway constantly addressed the mobs during the election, and had unlimited control over them, 1868-1871——Difficulty experienced in obtaining cars and drivers for Colonel Higgins's vote on account of the popular violence, 1873, 1874—— Particulars as to several supporters of Colonel Higgins, including witness, having been ill-used and struck on the days of election, 1875-1905.

Evidence relative to two voters, named Michael Conway and Pat Conway, who had promised to support Colonel Higgins, but were seized upon by the mob and subsequently voted against him, or at least one of them did so, 1906. 1916-1953——Captain Palmer and Mr. Moore made one cause at the election, 1907——It was quite understood that the struggle would be between Moore and Higgins, and accordingly witness always sought for plumpers for Colonel Higgins, 1908-1915——The Protestant clergymen all supported Colonel Higgins, 1911, 1912——William Regan, a voter, promised to support Colonel Higgins, but did not vote at all, 1954-1967——An elector named Feargus, who promised to vote for Colonel Higgins, afterwards voted for the other candidates; witness had a conversation with Feargus on the subject, 1968-1978.

[Second Examination].—Further statement relative to the voter Feargus, and to the cause assigned by him for not supporting Colonel Higgins, 1979-1986——On Wednesday, when the polling closed, witness saw Mr. Moore in Ballinrobe, accompanied by Father Conway, and other priests; he appeared to be going to Mr. Conway's house, 1987-1999——On Sunday, the 29th March, or some four or five days before the election, witness saw Father Conway driving through Ballinrobe in Mr. Moore's carriage, 2000-2005. 2220-2224.

Activity of Father Conway, and other priests, in bringing voters to the poll; they were capital agents, 2006-2015. 2081-2088. 2225-2230——Statement relative to an elector named M'Dermott, a tenant of Mr. Valentine Blake, who promised to support Colonel Higgins, but on account of the mob did not vote at all, 2016-2034. 2218, 2219—— Mr. Blake was a supporter of Colonel Higgins, but voted also for Mr. Moore, 2023. 2212-2217.

Statement relative to a voter named Patrick King, who promised witness that he would support Colonel Higgins, as well as Mr. Moore, but was brought to the poll by the Rev. Mr. Reynolds, and plumped for Mr. Moore, 2035-2053——Reference to a voter of the name of Walter Liner, who was expected to support Colonel Higgins, but was brought up by Mr. Conway for the opposite party, 2054-2061——Statement relative to William Ryan, an elector, whose vote was at first expected to be given to Colonel Higgins, but who, with other freeholders, was brought to the poll by some priests, and supported Moore and Palmer, 2061-2088.

Michael Langan promised to vote for Colonel Higgins, but did not do so, 2089-2098 ——With regard to Patrick Manghan, an independent farmer, who was to have voted for

Report, 1857—*continued.*

Griffin, John. (Analysis of his Evidence)—*continued.*

for Colonel Higgins, witness refers to a letter from him, explaining the reasons why he did not so vote, 2099–2105. 2243–2249——Witness has been agent for Colonel Higgins at former elections, but never before canvassed for him, 2106–2119——Lady de Clifford's tenants came to Monahan's hotel on the evening of Saturday, the 4th April, 2120–2124——Witness had taken this hotel for the voters of Colonel Higgins, 2125.

Mr. Courtenay Kenny acted as deputed magistrate at the election, 2126–2129——He gave some orders to the military, and on one occasion found it necessary to have the Riot Act read, 2130–2132——He was not staying at Monahan's hotel on Sunday, or during the election, 2133, 2134——The military were not out so early as ten o'clock on Sunday, 2135–2137.

Further statement relative to the proceedings in the lane at the back of the hotel on Sunday afternoon, 2138–2157——Mention of some of the words used in Irish by Father Conway on this occasion, 2143–2153——Witness was at the hotel as late as half-past nine on Sunday evening; he then went to his own house, which is in the town, 2158–2169——Witness was not present at the nomination at Castlebar, 2170–2179——Mr. Ward, one of the electors ill-used by the mob, voted for Colonel Higgins, 2180–2184.

Doubt as to the number of voters of Colonel Higgins assembled at any time at the hotel, 2185–2189——Witness brought a large number from the hotel to the poll, but believes that all of them did not fulfil thir promise to plump for Colonel Higgins, 2190–2198——Colonel Higgins was in Ballinrobe from Sunday night till Wednesday, and always went about under a strong escort, 2199–2204——He was grossly insulted in the very polling-booths, 2204, 2205.

The Protestant clergymen voted for Colonel Higgins, but did not take so active a part for him as the priests did for Mr. Moore, 2206–2211——Few exceptions among the priests who did not vote for Mr. Moore, 2231–2242——Absolute necessity of the hotel as a place of refuge for Colonel Higgins's voters, 2250, 2251——Colonel Higgins had nothing whatever to do with the expenses of his voters, 2252, 2253——The Protestant rector of Ballinrobe received some rough treatment from the mob, 2254, 2255.

[Third Examination.]—Grounds for the belief that the committee-room at Armstrong's Hotel, Castlebar, was jointly that of Mr. Moore and Captain Palmer, 5865–5884.

[Fourth Examination.]—Has prepared and delivers in a statement, which he believes to be correct, of the constituency of the county of Mayo, of the number which polled in each barony, and of the number unpolled, 13024, 13025.

Griffin, Mr. Mr. Griffin was often surrounded by mobs at Ballinrobe, and was called names and hooted, *Hearne* 1713–1716.

H.

Halligan, Rev. Mr. Witness was at chapel at Bohola, on Sunday 29th March, when the Rev. James Halligan addressed the congregation in language very condemnatory of Colonel Higgins, and told them that their bishops and priests wished them to support the other candidates; particulars hereon, *M'Manus* 3423–3444. 3454–3457. 3549–3552. 3614–3622. 3642, 3643——Mr. Halligan said that those who had no votes could be of great use at the election; inference therefrom, *ib.* 3454–3457. 3549——After the address of Mr. Halligan, witness found great difficulty in getting any voters to support Colonel Higgins, *ib.* 3460–3468.

Witness was at Bohola chapel, on Sunday 29th March, when Mr. Halligan, the curate, addressed the congregation relative to the election, *Lavin* 3773–3780——Particulars as to Mr. Halligan's address; among other things he designated Colonel Higgins as a traitor and a pledge-breaker, *ib.* 3781–3786. 4011–4013. 4015–4017.

Witness was at chapel at Bohola, on Sunday 29 March, when the Rev. Mr. Halligan, the curate, officiated; Mr Bernard M'Manus was present, *James Jordan* 7940–7946——Mr. Halligan addressed the congregation after mass in favour of Moore & Palmer, and in opposition to Colonel Higgins; he said the clergy were dissatisfied with the latter; he did not speak at all violently, *ib.* 7947–7952——Mr. Halligan is incapable of speaking violently, *ib.* 7952.

Further evidence as to the address of Mr. Halligan from the altar, and as to his having said that the clergy had resolved to oppose Colonel Higgins; witness does not recollect that he said anything about the bishops, *James Jordan* 8285–8296. 8432–8438. 8458–8464——Statement to the effect that Mr. Halligan and witness never canvassed together, *ib.* 8402–8424. 8750–8755——Belief that Mr. Halligan has canvassed for Mr. Moore, but not when with witness, *ib.* 8414–8417.

See also *M'Manus, Mr.*

Report, 1857—*continued.*

Hanley, Pat. (Analysis of his Evidence.)—Is a nailer at Castlebar; is not an elector, 11698, 11699——Particulars as to witness and about twenty others having been hired on behalf of Colonel Higgins, by Mr. William Malley, deputy-sheriff at Castlebar, through Thomas Comer, the sheriff's bailiff; this was on Tuesday before the nomination, 11700–11728——Money received by witness and the other men at different times from Comer, to whom it was given by Mr. Malley, 11716–11719. 11728–11730. 11802–11825. 12173–12176——Practice of witness to get drunk whenever he received money; general character of witness hereon, 11729–11737. 11829 *et seq.*

Statement that on the day before the nomination witness and about twenty other hired men were employed in shouting for Colonel Higgins, 11739–11757. 12190–12200——Collision between witness's party and the people of the town, on Thursday; it was not the fault of the latter, 11758–11765. 12115–12122. 12138–12167. 12206——On this occasion witness, who was drunk, was knocked down; he subsequently, by direction from the sheriff, swore informations against two men, who in return laid informations against witness, 11766–11776. 12162–12167. 12201, 12202.

On the day of the nomination witness, as directed by Mr. Malley, went to the court-house to shout when Mr. Moore or Captain Palmer spoke, unless Colonel Higgins was not interrupted in speaking; his services were not required on this occasion, 11777–11800. 11826–11828——Witness has received altogether 22*s.*, and 18*s.* more is due to him, as he was hired for eight days at 5*s.* a day, 11817–11825. 12288–12294——When in the court-house witness was not very sober; but he was not drunk that day, 11827, 11828. 12123–12137.

Examination as to the proceedings of witness since his arrival in London, more especially as to the persons with whom he has communicated, and as to his practice of spending his money in drink, 11829 *et seq.* 12274–12277——Money given to witness on his way to London, and since his arrival, by Mr. Armstrong, of Castlebar, 11851–11859. 11915–11931. 11966, 11967—— Persons who accompanied witness from Castlebar, 11970–11986. 12272, 12273——Nothing was said to witness during the journey as to his evidence before the Committee, 11987–12005.

Witness never said before leaving Castlebar that "he would do the business" or "clinch the case," 12006–12020.——He heard nothing directly of his coming as a witness till shortly before he started, though there was some rumour on the subject, and had said nothing to any of the Moore's party as a reason for their bringing him, 12021–12045. 12096. 12268–12271——Examination as to witness having asked forgiveness of the priest at Castlebar convent for having been a Higgins' man, and for getting drunk; this was about a month after the election, and immediately after the reverend mother at the convent had administered the pledge to him and advised him to confess, 12045–12114. 12219–12267. 12285–12287.

Witness did not see the Reverend Mr. Curley with the crowd with whom witness and the other hired men quarrelled on the day before the nomination, 12153–12157. 14168–12172——Witness and the other men were employed and paid merely to shout on the day of nomination, it was not for the purpose of protecting Colonel Higgins's voters, 12179–12184. 12203–12207. 12288–12295——Statement by witness, on the occasion of his being examined at Castlebar relative to the informations before alluded to, relative to his having been paid by Mr. Malley to shout, 12208–12218——Before the election witness had some money from one Neill Golonaugh, a supporter of Moore and Palmer; he never had any money from Lewis O'Donnell, 12278–12284.

Hanley, Pat. Examination with reference to the witness Hanley, who was employed as a mobsman by Colonel Higgins's party at 5*s.* a day, to the effect that nothing at all material has passed between witness and him, or his mother, relative to the evidence to be given by him, *M'Greal* 11597–11672.

Hardiman, Rev. Mr. Circumstance of the Rev. Mr. Hardiman, Roman Catholic clergyman, not having voted for Mr. Moore, *Griffin* 2237–2242.

Hearne, John. (Analysis of his Evidence.) Is clerk to the magistrates at Ballinrobe, and an elector for Mayo, 1694–1696——Was canvassed for his vote by Mr. Moore and the Reverend Mr. Conway, who were together on the occasion, 1698–1703——On the day before the nomination, Mr. Moore and Father Conway were in Ballinrobe together, 1704–1706. 1709–1712. 1766–1771——Father Conway addressed mobs directing the voters not to support Colonel Higgins, 1707, 1708——Several of Colonel Higgins's supporters were ill used and attacked by the people, 1713–1722. 1726, 1727.

Address of Mr. Moore to the people from Gildea's hotel after the booths were closed on Wednesday the 5th April, 1723–1734. 1749–1761——Circumstance of Mr. Sharkey, deputy sheriff, having passed by, and been pelted with stones whilst Mr. Moore was speaking; Mr. Moore spoke very strongly against him, 1732–1737——Father Conway subsequently joined Mr. Moore at Gildea's hotel, and addressed the public, 1738–1742. ——Circumstances of Mr. Sharkey having held up the poll-book and drawn attention to it after he had been pelted, by the people 1762–1764. 1781–1783——Witness did not see Mr. Moore in Ballinrobe between Thursday the 2d April and the following Wednesday, 1766–1777.

Higgins,

Report, 1857—*continued.*

Higgins, Captain. See *High Sheriff.*

Higgins, Lieutenant-Colonel George Gore Ouseley. (Analysis of his Evidence.) Produces two letters received in the morning from James Conry and Thomas Cooly of Castlebar; they are dated 7th July, and refer to assaults in Castlebar upon the witnesses M'Laughlin and Gannon on their return thither, 13014–13018.

Higgins, Lieut.-Colonel. Colonel Higgins was in Ballinrobe from Sunday night, the 5th April, till Wednesday, and always went about under a strong escort, *Griffin* 2199–2204——He was grossly insulted, even in the very polling-booths, *ib.* 2204, 2205.

The political pledges made by Colonel Higgins in 1852, and previously, have since been deliberately violated; hence witness's opposition to him, *Archbishop M'Hale* 6765–6772.

Further evidence as to Colonel Higgins having broken the conditions on which he was returned at the election in 1852, *Archbishop M'Hale* 6876–6890.

In 1850, Colonel Higgins first came forward for the county; he was supported by witness and was returned, almost exclusively upon the interest of the clergy, *Moore* 13043–13045——At the election of 1852, Colonel Higgins was returned on certain political principles, solemnly undertaken by him, which principles he has since perfidiously violated, and hence his unpopularity in the county of Mayo, *ib.* 13046–13096.

With regard to some reflections, in witness's evidence, upon the political conduct of Colonel Higgins, he explains that these had no reference whatever to his private or personal character, *Moore* 13172.

High Sheriff. Captain Higgins, the father of Colonel Higgins, was sheriff at the last election, *Rutledge* 212——Explanation of the circumstances under which the high-sheriff brought some voters, under escort, from Westport to Castlebar, *Montgomery* 4770–4776. 4784. 4801–4824. 4847–4849——The high sheriff was in Castlebar daily, from the day of nomination till the close of the poll, *ib.* 4799, 4800——Witness does not know how the Westport voters polled, nor whether the high sheriffs entered the booth with them, *ib.* 4815–4819.

Some voters at Castlebar were escorted by the high sheriff and some dragoons, *Lord J. Browne* 9510–9515——Interference of the sheriff on the occasion of witness speaking to some voters under escort, who had promised to support Moore & Palmer, *ib.* 9519–9523.

The high sheriff seemed anxious to preserve the peace, *Wardlaw* 10501, 10502.

See also *Assessor. Declaration of the Poll. Deputy Sheriffs. Magistrates.*

Hosty, Rev. Mr. Father Hosty threatened to "announce" witness from the altar, *Gannon* 4901, 4902. 4906. 5093——Witness said he would take the law of Father Hosty, if he did so, *ib.* 4903, 4904.

Witness has heard Mr. Hosty and Mr. Green speak from the altar relative to the election, and tell the congregation to support Moore and Palmer, but does not recollect any severe language towards Colonel Higgins, *Armstrong* 12377–12404.

See also *Undue Influence*, 3.

Hume, Major. Major Hume, who commanded at Ballinrobe, is in attendance, and can speak to the state of the town of Ballinrobe up to Wednesday the 8th April, *Wardlaw* 10432–10439. 10455, 10456.

I.

Illegal Voting. Witness (who is about 20 years of age) voted for Moore and Palmer; explanation hereon that he saw persons vote for Colonel Higgins, who were not more than thirteen or fourteen years of age, *E. H. Jordan* 8975. 8976——A son of Captain Brabazon, who was only 13 or 14 years of age was allowed to vote, *ib.* 8976.

Interchange of Support or Combination of Candidates. Particulars as to a meeting, and arrangement between three priests, on behalf of Mr. Moore and Lord John Browne, Sir Robert Bloss, and witness, on behalf of Captain Palmer, *Knox* 7221–7245. 7284–7287.

Witness took an active part at the election in behalf of Captain Palmer, and also supported Mr. Moore in return for the support given by him to Captain Palmer, *Sir Robert Bloss* 7290, 7291——Witness had several meetings with the Rev. Mr. Curley and other Roman-catholic priests, having previously had communication with Mr. Moore, relative to an interchange of support between Captain Palmer and Mr. Moore, but does not recollect any particular interview between himself, Lord John Browne, and Colonel Knox, on the one part, and three priests on the other part, *ib.* 7469–7491. 7534. 7624–7646.

Incorrection of former evidence; witness states as his impression that Sir Robert Bloss was not present at the meeting with the priests, relative to an interchange of support between Captain Palmer and Mr. Moore, *Knox* 7923–7930.

Report, 1857—*continued.*

Interchange of Support or Combination of Candidates—continued.

Particulars as to a meeting between three priests on the part of Mr. Moore and witness, and some other gentlemen on the part of Capt. Palmer, with a view to an interchange of support. no specific agreement was come to, *Lord J. Browne* 9533-9557. 9583-9590—— In communicating with these priests, witness understood they had no general authority to act for the whole body, *ib.* 9544-9547. 9552-9556. 9583.

INTIMIDATION:

1. *Case of Mr. Burke, of Ower.*
2. *Case of Michael and Patrick Conway.*
3. *Case of James Moran.*
4. *Case of Michael Laughan.*
5. *Case of Mark M'Tighe.*
6. *Case of Thomas Killalea.*
7. *Other instances of Intimidation of Colonel Higgins's Supporters.*
8. *Conclusions of the Committee.*

1. *Case of Mr. Burke, of Ower:*

On Sunday, the 5th April, witness started in an open car with his father and a servant from Ower for Ballinrobe; his father intending to vote on Monday for Colonel Higgins, *Burke* 1399-1406 ——Witness's father is 76 years of age; he is healthy for his age, but of a very nervous temperament, *ib.* 1400. 1427——On witness and his father approaching Ballinrobe about half-past five in the afternoon, they met a mob of about 300 persons in an exceedingly excited state, and the Rev. Peter Conway on horseback in the middle of them, *ib.* 1407-1426——The mob compelled the car to stop, *ib.* 1428, 1429——Father Conway said, "You are Colonel Higgins's supporters, so I wash my hands of you," and then rode off about 100 yards; this was meant for the mob to hear, *ib.* 1430-1437.

Considerable violence inflicted by the mob on witness and his father after Mr. Conway had ridden off a short distance, *Burke* 1438-1468——Witness appealed to Mr. Conway to interfere in his father's behalf, and after some delay he did so, *ib.* 1453-1458. 1469 ——Witness's father was especially ill-used by the mob, and was severely beaten, *ib.* 1463-1468——Witness then wished that his father and himself might be allowed to return home, but Mr. Conway seemed anxious that they should accompany him, *ib.* 1476-1483.

The mob were loud in their demand that witness's father should vote for Higgins, *Burke* 1483-1487——Mr. Conway remarked that it would have been folly for them to have gone without an escort, as three or four of Mr. Bourke's people had a short time previously been killed, *ib.* 1488-1491——Mr. Conway produced a list of voters from his pocket, and witness's father then said, that if allowed to go home, he would not vote for Higgins, *ib.* 1492-1497——Mr. Conway made him repeat his province, and then directed the mob to let him return home, *ib.* 1498-1505.

Witness's father did not vote at all, 1506 1510——The mob wished to swear him in regard to his not voting, but Mr. Conway said that his promise was sufficient, *ib.* 1507, 1508——Mr. Conway said to witness, "It is a shame for a Catholic gentleman to be acting contrary to his bishop and priests, *ib.* 1511-1517——The mob and Mr. Conway accompanied witness and his father part of the way home, *ib.* 1518-1520.

After leaving the mob witness and his father met a military escort, and Mr. Sheill, the magistrate in charge, offered to bring them into Ballinrobe at once, and said that witness might prefer an indictment against Mr. Conway, *Burke* 1531-1540. 1587-1590. 1669-1674——Witness declined to return on account of his father's state after the treatment of the mob, *ib.* 1541. 1590.

Further statements with regard to the meeting with the mob, and the conduct of Mr. Conway on that occasion, *Burke* 1547 *et seq.*——Witness's father promised not to vote before Mr. Conway addressed him on that point, *ib.* 1566-1569——On leaving the car Mr. Conway reminded witness's father of his promise, *ib.* 1580-1585——Witness's father might haxe voted without interruption on Wednesday, but he did not know it was so quiet; witness does not consider that he was bound not to vote by a promise forcibly extorted from him, *ib.* 1678-1683.

Circumstance of witness having seen Mr. Burke, of Ower, and his son with the mob, and Mr. Conway close to them; Mr. Burke, the elder, said that he was obliged by the mob to swear that he would not vote for Colonel Higgins, *Moran* 2350, 2351. 2393, 2394. 2523-2526. 2539-2545——Before meeting the mob on Sunday the 5th April, witness and his party saw Mr. Burke, of Ower, who had been ill-used by the mob, and told witness and the other voters that they had better return home, *Laughan* 2669, 2670. 2792-2804 ——Circumstances under which witness saw Mr. Burke, of Ower, on Sunday with the mob, and Father Conway near him, *Mr. Tighe* 2909-2923.

2. *Case of Michael and Patrick Conway:*

Evidence relative to two voters named Michael Conway and Patrick Conway, who had promised to support Colonel Higgins, but were seized upon by the mob, and subsequently

INTIMIDATION—continued.

2. *Case of Michael and Patrick Conway*—continued.

sequently voted against him, or at least one of them did so, *Griffin* 1906, 1916–1953.

3. *Case of James Moran:*

Witness is a freeholder at Ballymacgibbon, *Moran* 2256–2259——On Sunday the 5th April, witness was going into Ballinrobe under escort on one of Colonel Higgins's cars, together with Mark M'Tighe, Michael Laughan, and Pat Conry, all intending to vote for Colonel Higgins, *ib.* 2260–2270——On approaching Ballinrobe a large crowd appeared with the Rev. Mr. Conway among them, *ib.* 2271–2285——Remark of Mr. Conway that three or four men had been killed in Ballinrobe, *ib.* 2284–2288. 2523. 2546. 2629–2633.

Witness was much frightened, and ran away across the fields, but was pursued by some of the mob with stones in their hands, captured and brought back to the road, *Moran* 2290–2309. 2315. 2319–2326. 2381–2406. 2497, 2498. 2525. 2545–2552. 2628–2633——Before witness ran away Mr. Conway asked him his name, and then referred to a list or paper; he also asked the other voters their names, *ib.* 2297–2301, 2310–2318——Witness and some other supporters of Colonel Higgins were then put on a car, and taken by the mob and Mr. Conway into Cong, and locked up together with other voters in Volkinburn's hotel there, *ib.* 2327–2357. 2379, 2380. 2415–2417. 2554, 2556. 2610——Conduct of Mr. Conway and the mob towards witness and the other voters with a view to their supporting Moore and Palmer, *ib.* 2358–2378. 2476–2482. 2627.

On Monday morning Mr. Conway and the mob brought witness and the other voters from Cong to Ballinrobe, to Gildea's hotel, where they were kept until about four o'clock, when Mr. Conway took witness and Laughan to the court-house, but the poll was closed for the day, *Moran* 2372–2378. 2408–2439——Explanation as to witness having run from the mob on the Sunday, notwithstanding that the voters were under an escort of dragoons; interference of the latter in the matter, *ib.* 2381–2407. 2510–2525. 2541–2544——Statements as to Laughan and witness having, by Mr. Conway's directions, been taken by the mob to his house on Monday afternoon, to remain there till Tuesday morning; threats held out to them on this occasion, *ib.* 2440–2463. 2611, 2612.

Particulars as to Laughan and witness having, contrary to Mr. Conway's directions, left his house on Tuesday morning and gone up to the poll with some other voters under escort, *Moran* 2464–2473. 2559–2583. 2613–2625——Witness then voted for Moore and Higgins; he would assuredly have plumped for Higgins had he not been greatly intimidated by the mob, *ib.* 2474–2482. 2497, 2498. 2594–2600. 2607–2609. 2626–2633.

Witness is well known in Ballinrobe, but is now afraid of his life to enter the place, *Moran* 2483–2485——He never voted at any former election, *ib.* 2500–2503. 2601–2606——Mr. Strickland, the agent for Mr. Baker, witness's landlord, was not with witness on the Sunday; he has not, since the election, spoken to him about the way he voted, *ib.* 2504–2509. 2584. 2593——Witness has told Mr. Thomas Gray, the bailiff of Mr. Baker, that he did not plump for Colonel Higgins through fear of the mob, *ib.* 2594–2597——Witness is a Roman-catholic, *ib.* 2598.

4. *Case of Michael Laughan:*

Michael Laughan promised to vote for Colonel Higgins, but did not do so, *Griffin* 2089–2098.

Witness is a farmer and freeholder at Ballymagbillon; is an elector for Mayo, *Laughan* 2634–2639——On Sunday afternoon, the 5th April, James Moran, Mark M'Tighe, another voter, and witness, were going each in a separate car to Ballinrobe to vote for Colonel Higgins, *ib.* 2640–2663. 2666–2668——When near Ballinrobe, they met a large mob, with the Rev. Mr. Conway among them, on horseback, *ib.* 2664, 2665. 2670–2676. 2793——Mr. Conway said that three or four men had been killed in Ballinrobe, *ib.* 2670, 2671——Witness and the other voters were extremely frightened, and turned round to get away, but were brought back by the mob to where Mr. Conway was, *ib.* 2677–2691.

Mr. Conway referred to a paper in his possession, and then told the people to keep witness in custody, *Laughan* 2692–2700——Witness and other freeholders were then taken to Cong, and confined in Volkinburn's hotel there for the night, *ib.* 2702–2713——Mr. Conway wanted witness and the other voters at Cong to vote for Moore and Palmer, and brought them to the poll at Ballinrobe on Monday, but it was closed, *ib.* 2714–2733. 2756–2759——If the poll had been open witness would have plumped for Higgins, although, for the sake of liberty, he and others promised to vote for Moore and Higgins, *ib.* 2727–2732. 2805–2810——On Monday, after the poll, witness and some others were taken to Mr. Conway's house for the night, *ib.* 2734–2763. 2811, 2812——On the morning of Tuesday they escaped from Mr. Conway's house, and went with other voters to the poll, under escort, *ib.* 2743–2755. 2813. 2818——Witness polled on Tuesday for Moore and Higgins; he would have plumped for Colonel Higgins, but for his dread of the people, *ib.* 2760–2762.

Witness has since been afraid to go to Ballinrobe, *Laughan* 2763–2765——He is a Roman-

INTIMIDATION—continued.

4. *Case of Michael Laughan*—continued.

Roman-catholic, *Laughan* 2766——He never voted before, *ib.* 2768, 2769——Colonel Higgins's agents had canvassed witness some days before the election, *ib.* 2770–2776——Further reference to the party who were accompanying witness to Ballinrobe on the Sunday; Mr. Jennings was one of them, *ib.* 2777–2791——After having voted, witness was accompanied out of the booth by Mr. Conway, who told the mob not to touch him; he went home early in the evening, *ib.* 2821–2842.

5. *Case of Mark M'Tighe:*

Witness is a freeholder of Mayo, *M'Tighe* 2843——On Sunday, the 5th April, was going with other voters to Ballinrobe to vote for Colonel Higgins, *ib.* 2844–2847. 2912–2915——When near Ballinrobe, met a large mob, and Father Conway among them, *ib.* 2848, 2849——Witness was greatly frightened, and run away, but was brought back again by some of the mob, *ib.* 2850–2855. 2924–2926.

Father Conway asked witness his name, and then, having referred to a paper, gave him in charge to the mob, *M'Tighe* 2856–2867. 2926——Witness was then taken by the mob to a hotel in Cong, but escaped in the night, *ib.* 2868–2877. 2884–2890——He was greatly alarmed when at Cong; the mob were very violent, and the town was in a terribly excited state, *ib.* 2878–2883. 2943–2946. 2958, 2959——He escaped to a friend's house, and subsequently went into Ballinrobe with other voters, strongly escorted, and plumped for Colonel Higgins, *ib.* 2891–2896. 2947–2950.

Witness has ever since been afraid to go to Ballinrobe, *M'Tighe* 2907, 2908——He had been canvassed by Mr. Jennings for his vote for Colonel Higgins some days before the election, *ib.* 2927–2930——He always intended to plump for Colonel Higgins; he has not voted at former elections, *ib.* 2930–2942——After he had polled he was escorted to Monahan's hotel, and stole home in the night, *ib.* 2951–2957.

6. *Case of Thomas Killalea:*

Witness is a freeholder of Mayo; lives at Coleyvallea, *Killalea* 3139, 3140——Went to Ballinrobe, on Tuesday the 7th April, to vote for Colonel Higgins, but eventually voted for Moore and Palmer, through fear of a mob who came to the house where he was staying, and said he should go with them, *ib.* 3141–3155. 3164–3172——On Monday, the 6th April, witness was obliged to hide on two occasions from a mob, *ib.* 3156–3163——He wished to see his landlord's agent, Mr. Burke, before he promised his vote to any one, *ib.* 3156. 3174–3176.

7. *Other instances of Intimidation of Colonel Higgins's Supporters:*

The Claremorris voters refused to enter Ballinrobe, on the 5th April, without an additional escort, *Ruttledge* 120–122——Witness never saw any persons so intimidated as were Colonel Higgins's voters at Ballinrobe, *ib.* 173——Mr. Bourke's tenants all voted for Colonel Higgins, notwithstanding Father Conway's conduct at Ballinrobe, *Prendergast* 588–598.

Before the Claremorris voters would leave for Ballinrobe, application had to be made for an escort, as some of the tenants said they would not go without one, *Bourke* 666–674——Notwithstanding the intimidation, all witness's party of voters plumped for Colonel Higgins, *ib.* 772, 773. 926, 927——Circumstance of some of the voters' horses in the yard of Monahan's hotel, at Ballinrobe, having been unfed from Sunday till Tuesday morning, the voters having been afraid to leave the hotel, *ib.* 784–786. 933–939——Witness has heard that some voters were prevented by intimidation from voting for Colonel Higgins, *ib.* 929.

Some of witness's tenants would not come to Ballinrobe to vote, and those few who did vote for Colonel Higgins were obliged to be escorted to the polling booth, *French* 1057–1060. 1173–1175. 1132–1136——Difficulty in getting witness's tenants away from Ballinrobe, on account of the fear of the mob, *ib.* 1164–1172.

Particulars as to witness having gone with some police, on Sunday night, to escort voters from Kilmaine, and having brought them to Ballinrobe by a circuitous route; one voter, however, was so much afraid that he would not come, *O'Connor* 1235–1255. 1314–1320——Difficulty experienced in obtaining cars and drivers for Colonel Higgins's voters on account of the popular violence, *Griffin* 1873, 1874——Intimidating conduct of the priests at Ballinrobe, in regard to the electors and their way of voting, both on Monday and Tuesday, *Sharkey* 5167–5173. 5185–5189.

Particulars as to Mr. Conway and the mob having stopped some voters in cars who were going to Ballinrobe under escort on the Sunday evening; some of these voters ran away through fear, *Scahill* 2993–3002. 3084–3099——Circumstance of one of the escort having read some paper aloud, whereupon the mob and Mr. Conway at once dispersed, and the dragoons and voters went on to Ballinrobe, *ib.* 3002–3004. 3018–3023. 3100–3106——Shortly afterwards Mr. Conway and the mob again came together on the road and stopped other voters, making them promise to support Moore and Palmer, *ib.* 3004. 3006–3008. 3120–3135——Witness, who is servant to Colonel Higgins, has never

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INTIMIDATION—continued.

7. *Other instances of Intimidation of Colonel Higgins's Supporters*—continued.

never ventured into Ballinrobe since the Sunday before the election; he is afraid of his life to go there, *Scahill* 3027–3037.

8. *Conclusions of the Committee:*

Resolution of the Committee that undue influence and spiritual intimidation prevailed to a considerable extent at the election, *Rep. p.* iii——Resolution that it does not appear that the said George Henry Moore personally sanctioned, or was cognisant of, the said undue influence and spiritual intimidation, *ib.*

See also *Abduction of Voters. Altar Denunciations or Addresses. Ballinrobe. Barrett, Rev. Mr. Conway, Rev. Peter. Curley, Rev. Michael. Dunleavy, Michael. Durcan, Michael. Escort of Voters. Roman-catholic Clergy. Ryan, Rev. Luke.*

Ivers, Rev. Mr. Circumstance of the Rev. Mr. Ivers having in Mr. Moore's presence at Swinford, beaten some of the crowd violently with a stick; no provocation was given, nor retaliation offered, *Curran* 4271–4276. 4280, 4281. 4343–4353. 4411–4414——Mr. Moore did not interpose, *ib.* 4276. 4412——Reason why witness, as magistrate, did not interpose, *ib.* 4344–4347.

Witness did not appoint Mr. Ivers, who is attached to Swinford parish, which is not in witness's diocese, *Archbishop M'Hale* 6363–6366.

Mr. Ivers was with Moore when in Swinford, before the election; he had a small cane in his hand, not much thicker than a writing pen, with which he kept the crowd back, but did not, so far as witness saw, strike them on the head with it, *J. Jordan* 7997–8006——It was considered that Mr. Ivers did not take an active part in the election, *ib.* 8005——He is anything but a violent man, *ib.* 8006——Witness further states that Mr. Ivers had only a thin cane in his hand, and that he did not flog the people in the way described by Mr. Curran, *ib.* 8267–8278.

Witness saw Mr. Ivers in Swinford on the Tuesday before the election; but does not recollect whether he had a stick in his hand, and did not see him use one, *E. H. Jordan* 8845–8847. 9326–9347——Witness saw Mr. Curran, the magistrate, and Mr. Moore talking together about the conduct of the people, and saw the Rev. Mr. Ivers with a small rod or switch in his hand, but did not see him use it; witness never saw a stick in Mr. Ivers's hand during the election, *Staunton* 12684–12750.

As regards the reported flogging of the people in Swinford by Mr. Ivers, witness saw nothing of it, *Moore* 13096.

J.

Jennings, Benjamin. Mr. Jennings, as deputy sheriff, acted partially and unfairly in the polling-booth at Ballinrobe, *Sir R. Bloss* 7357–7359——Way in which the deputy-sheriff Mr. Jennings, as a supporter of Colonel Higgins, acted partially and unfairly, *Hon. J. Brown* 7781–7793.

Jennings, William. Reference to a tenant of witness's named William Jennings, who was placed in arrest for some violence, *Knox* 7190–7194.

Jordan, Edmund Henry. (Analysis of his Evidence.)—Is son of the witness James Jordan, 8805——Lives at Bushfield; is an elector of Mayo, 8806, 8807——Is in the North Mayo Militia, 8808–8810——Voted for Moore and Palmer, 8811–8813——Was not canvassed for either Moore or Palmer, but was canvassed for Colonel Higgins by Mr Kelly, an attorney, 8814–8819.

On Tuesday before the election witness was at Swinford, and heard Mr. O'Dowd, the deputy sheriff, and others, speak from the hotel against Mr. Moore, and in favour of Colonel Higgins, but Mr. Moore, who was passing at the time, told the people to come on and not to mind them, 8820–8837. 9270–9274. 9379——Statement as to a man named Gavahan, in the employment of Captain Brabazon, having struck and knocked down one of Mr. Moore's tenants, 8838–8840. 9217. 9241–9251——Interview subsequently between Mr. Moore and Mr. Curran, stipendiary magistrate, when the former said to the people that they might screech as much as they liked, but on no account to strike any one, 8841–8847.

Witness saw the Rev. Mr. Ivers in Swinford on the Tuesday before the election, but does not recollect whether he had a stick in his hand, and did not see him use one, 8845–8847. 9326–9347——On passing the hotel a second time, Mr. O'Dowd was speaking again to the people, and Mr. Moore's party was hissed, and water thrown out upon them, 8848–8852——Witness was at Keltimagh on the 2d of April, and heard

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Jordan, Edmund Henry. (Analysis of his Evidence)—continued.

Archdeacon Coghlan address the people in favour of Moore and Palmer, 8853–8860——Interruption to Archdeacon Coghlan's speech by a person named Cavanagh and several others, 8861–8869——Statement as to Cavanagh having canvassed in behalf of Colonel Higgins, 8861, 8862. 8874–8879.

Witness, who is about twenty years of age, recollects having been present at two or three former elections at Castlebar; the election of 1852 was not half so quiet as the late election, 8880–8892——On the 3d of April, the day of the nomination, Captain Brabazon made a speech at the court-house in opposition to Mr. Moore, 8893–8895——Witness heard Mr. Lee, Captain Palmer's agent, apply to the high sheriff for two deputy sheriffs in the barony of Tyrawley, which were refused, 8896–8901.

Explanation as to the steps taken by witness in order to secure the vote of Michael Dunleavy, one of his father's tenants, for Moore and Palmer, and to prevent his being got hold of by the opposite party, 8902–8915——Witness, Dunleavy, and several other voters, went in cars to Swinford on Monday morning, 8910–8919——Particulars as to the violence used towards Dunleavy by several magistrates, and other supporters of Colonel Higgins, in order to get him into the court-house, and as to the pressure put upon him there, under which he ultimately voted for Colonel Higgins and Mr. Moore, 8920–8974. 9356–9359.

Partial and unfair arrangements in the Gallen polling-booth at Swinford, in regard to the polling of the voters of Colonel Higgins, and of the opposite party, 8957–8974——Witness voted for Moore and Palmer; explanation hereon that he saw persons vote who were not more than thirteen or fourteen years of age, 8975, 8976——Mr. Thomas Strickland, deputy sheriff in the Costello booth at Swinford, brought up some voters to the Gallen booth, where they plumped for Higgins, 8977–8983.

Nature of the appointment and term of service of witness in the militia, 8984–8995——Witness lives at Bushfield with his father, and helps him to farm; extent of their land, 8996–9012——Number of rooms, and extent of sleeping accommodation in his father's house, 9013–9053——Examination relative to five or six voters having been at the house during the evening and night of Sunday the 5th of April; witness was not with them save for a few moments, about twelve o'clock, when he got up to admit another voter, and he did not see any of them eating or drinking, 9054–9187——Fear entertained by the voters in regard to Colonel Higgins's people taking them from their homes, 9177–9183——Number of voters who started from the house on the following morning, 9189–9209.

Witness was afraid to go to Swinford by the upper road, as he was in fear of Colonel Higgins's supporters, 9212–9214——The priests did not seem to have their usual influence either at Kiltermaugh or Swinford, 9215, 9216——Witness purposely avoided carrying a stick during the election, 9218–9232——Explanation as to witness having pushed or struck Gavahan after he had knocked down one of Mr. Moore's tenants, 9233–9251.

Examination as to the conduct of Mr. Moore on the occasion of water having been thrown from Colonel Higgins's hotel; number and behaviour of the people with Mr. Moore at this period, 9252–9297. 9378, 9379——There were no priests actually with Mr. Moore at the time, 9287–9297——Further statement as to Mr. Moore having told the people, in Mr. Curran's presence, to shout as much as they liked, but not to strike any one, 9276, 9277. 9298–9322——Statement as to the man Gavahan having acted as an agent, 9323–9325——Witness's father was at home on Sunday the 5th April, and slept at home that night, 9348–9355——Belief that Dean Durcan was not sitting next the returning officer in the booth at Swinford when witness was there on Monday, 9360–9364——Statement as to witness having been put out of the polling-booth by Captain Brabazon's order, 9365–9369——Different behaviour of Captain Brabazon and his friends in the booth towards those who voted for Colonel Higgins and those who voted for Moore and Palmer, 9370–9375——The town of Swinford belongs to Captain Brabazon, 9376, 9377.

Jordan, James. (Analysis of his Evidence.)—Lives at Bushfield, in the barony of Gallen, Mayo, 7931–7934——Took an active part at the election on behalf of Captain Palmer; was not a paid agent, 7935–7939——Was at chapel at Bohola on Sunday the 29th March, when the Rev. Mr. Halligan, the curate, officiated; Mr. Bernard M'Manus was present, 7940–7946——Mr. Halligan addressed to congregation after mass in favour of Moore and Palmer, and in opposition to Colonel Higgins; he said the clergy were dissatisfied with the latter; he did not speak at all violently, 7947–7952——Mr. M'Manus then stood up in chapel to address the people, but was prevented from doing so by the parish priest; he subsequently addressed them outside the chapel, and spoke against Captain Palmer, as an Orangeman, &c., 7953–7963.

On the Tuesday before the nomination witness went with Mr. Moore to Swinford, 7968–7974——There were several supporters of Colonel Higgins about the town or at Corney's hotel, 7975–7986——Conversation on this occasion between Mr. Moore, when

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Jordan, James. (Analysis of his Evidence)—continued.

when on his canvass, and Mr. Curran, the stipendiary magistrate, relative to the conduct of the supporters respectively of Mr. Moore and Colonel Higgins, 7987-7996——The Rev. Mr. Ivers, Roman-catholic clergyman, was with Moore; he had a small cane in his hand, not much thicker than a writing pen, with which he kept the crowd back, but did not, so far as witness saw, strike them on the head with it, 7997-8006.

Statement as to witness's son having been struck opposite Colonel Higgins's hotel; conversation subsequently with Mr. Eames, the Protestant rector, on the subject, 8007-8020——Some water was thrown from the hotel by a waiter at Mr. Moore and witness, 8021——Explanation as to Mr. Moore having liberated on bail some persons who had been arrested and put into bridewell, 8021-8036——Reference to the occasion when Archdeacon Coghlan addressed the people in Kiltermaugh; witness swears that he never said, on this occasion, that if Colonel Higgins was there he would daub his face with the dirt of the street, 8037-8046.

Inaccuracy of the statement of Ambrose Lavin that he is a freeholder of Mayo, 8047-8053——On the first day of polling witness took a great many voters from Bohola to Swinford, 8053-8055——One of these was a man named Dunleavy, a tenant of witness, 8056-8059——Particulars as to Dunleavy having been dragged off the car in Swinford, and taken into the polling-booth by Mr. Charles Huckland, Mr. George James O'Malley, and others, 8060-8094. 8110-8118.

Unfair arrangement in the polling-booth at Swinford; partiality shown by the deputy sheriff in allowing Colonel Higgins's voters to be polled from off a platform behind the sheriff, 8094-8104. 8120-8125——Colonel Higgins's friends in the booth were allowed to cheer, &c., but Mr. Moore's friends were prevented from any expression of opinion, 8105-8109. 8126, 8127——Witness heard that Dunleavy polled for Moore and Higgins, 8119.

Statement as to a person of the name of Cavanagh, a supporter of Colonel Higgins, having been reported to have fired a pistol at some one in a room; the matter was inquired into by Mr. Curran, and, at witness's suggestion, Cavanagh subsequently delivered up his pistols to Mr. Curran, 8128-8139——Military and police have always been at every Mayo election since 1826; 8140-8149——Armstrong's hotel, at Castlebar, was frequented by Captain Palmer's agents and friends; the inscription outside was merely "Vote for Palmer and Moore," 8150-8162.

[Second Examination.]—Witness further states that he took a very active part at the election, 8163-8166——Examination on former statement relative to the firing of a pistol by Cavanagh, 8167 *et seq.*——The information against Cavanagh was laid without witness's knowledge by witness's son, and a man named M'Nicholas, who was the party fired at, 8170-8177. 8185, 8186. 8704-8706——Witness never told Mr. Curran to take down in writing that Cavanagh had called for liquor, and desired it to be put down to Colonel Higgins's account, 8195-8197. 8206-8210.

Mr. Curran acted as a partisan at the election, 8197-8205——Circumstance of Mr. Curran having stopped at Colonel Higgins's hotel when he might have put up at other places, 8200-8203. 8687-8694——Mr. Curran made no search for the ball in the room where Cavanagh was said to hae fired it, 8211-8213. 8221-8223——Witness knew something of Cavanagh, having formerly employed him, and was therefore anxious that the investigation about the pistol-firing should be dropped, 8213, 8214. 8219. 8220. 8231. 8237-8240. 8695-8703——Cavanagh admitted that he had fired in self-defence, 8216, 8217. 8774, 8775——Further statement as to the pistols having been given up to Mr. Curran, 8242-8256.

There were several priests with Mr. Moore when canvassing in Swinford on the Tuesday before the nomination, 8257-8266——As regards Mr. Ivers, witness further states that he had only a thin cane in his hand, and that he did not flog the people in the way described by Mr. Curran, 8267-8278——Several priests and witness dined with Mr. Moore at Dean Durcan's on the Tuesday in question, 8279-8284. 8707-8709——Further evidence as to the address of Mr. Halligan from the altar on the 29th March, and as to his having said that the clergy had resolved to oppose Colonel Higgins; witness does not recollect that he said anything about the bishops, 8285-8296. 8432-8438. 8458-8464

Examination relative to the placard headed "Men of Mayo," and signed by the Archbishop of Tuam and three bishops; it was drawn up in Castlebar by Dr. M'Greal from the original manuscript of the resolution, 8297-8364——Witness does not know who produced the manuscript, or in whose writing it is, 8309, 8310. 83178324. 8332-8342. 8358-8363——Mr. Cahill and Mr. Green, Roman-catholic clergymen, and Mr. Sheridan, were present when Dr. M'Greal prepared the placard, 8311-8314. 8336-8341——The meeting of these persons was accidental, 8344.

Witness took away some dozen printed copies of the placard; he produced one of them on the occasion of Mr. M'Manus designating Captain Palmer as an Orangeman, 8346-8357. 8401. 8439-8446. 8466-8472. 8516-8521. 8745-8749——Mr. Sheridan

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Jordan, James. (Analysis of his Evidence)—continued.

was an agent of Mr. Moore, but not a paid agent, 8366-8368. 8371, 8372——Witness was offered forty guineas to become Captain Palmer's agent, but declined, 8369, 8370——Witness did not hear of any arrangement to have the placard published in any newspaper, 8372-8375.

Witness does not recollect to have spoken to Mr. M'Nicholas or Mr. Halligan about the resolution, or to have shown or given them any copy of the placard until after the address of Mr. Halligan on the 29th March, 8376-8397. 8430, 8431. 8455-8477. 8491-8508. 8513, 8514——Witness did not see that resolution placarded in Swinford, 8398, 8399——Scarcely any of the copies brought by witness from Castlebar were made use of or given away, 8400, 8401. 8508-8512. 8737, 8738.

Statement to the effect that Mr. Halligan and witness never canvassed together, 8402-8424. 8750-8755——Witness does not recollect to have seen the placard or resolution of the bishops posted up in Keltimagh, 8425-8429——Doubt whether the placard is a verbatim copy of the manuscript, 8447, 8448——Since the evening when the placard was prepared, witness has not seen the original document, 8449-8454——He does not recollect any proposal or arrangement for sending a copy of the placard to every parish priest, nor did he hear that Mr. Halligan had received one, 8478-8492.

In having a good many copies of the placard printed, the object was doubtless to distribute them, 8515-8517——Witness was not present when the original resolution was agreed to at Dr. M'Hale's, 8523, 8524——Statement as to Mr. Cahill and some other priests having opposed the publication of the resolution without the previous consent of Dr. M'Hale; Mr. Sheridan, Dr. M'Greal, and witness insisted on publishing it, 8525-8543. 8721-8724. 8732-8736.

Explanation of the circumstances under which the voter Dunleavy was at witness's house on the evening and night before the first polling-day, 8544-8558. 8607-8615. 8638-8643. 8663-8670——Witness never heard that Dunleavy had promised to vote for Colonel Higgins; circumstance of his being a tenant of Mr. Taafe adverted to hereon, 8546-8551. 8657-8662.

Evidence relative to several voters who slept at witness's house on the night before the polling, 8558 *et seq.*——Size and accommodation of witness's house adverted to with reference to the accommodation provided for these voters, 8562-8587. 8791-8798——Probability of the voters having received refreshments from witness's servants; he thought it better not to see what was going on, and did not see them eating or drinking, 8588-8601. 8616-8629. 8671-8674. 8758-8762. 8772, 8773——The voters had promised to support Moore and Palmer, and were brought to witness's house for protection from the other party; they had perfect liberty to leave if they pleased, 8605-8615. 8668-8670. 8756, 8757. 8763-8771.

There were three priests with witness and the voters who went to Swinford on Monday, the 6th April, 8644-8655——Belief that Mr. Moore had no agent at Swinford, 8675——Witness saw the Rev. Mr. Curley in the court-house on the nomination day, but did not notice anything particular in his conduct; he did not act as fugleman to the mob, 8675-8683. 8776-8790——Dean Bourke, who seconded Colonel Higgins, carried an orange-coloured pocket handkerchief, 8684-8686.

Further reference to the occasion on which Dr. M'Greal drew up the placard; the meeting was accidental, and witness, for one, had never before seen the resolution, 8710-8731 8802-8804——Remarks relative to a placard signed "R. A. O'Donnell," which was posted in Castlebar, and referred to the placard prepared by Dr. M'Greal as a forged instrument, 8739-8744——On the whole, witness never saw so quiet an election as the one under consideration, 8790——An escort was not required for the voters taken by witness to Swinford, 8799-8801.

Jordan, James. Mr. James Jordan was with Mr. Coghlan at Keltimagh, on the 2d April, and witness heard him call Colonel Higgins a cut-throat, and say that if he were present he would daub his face with the dirt of the street, *Lavin* 3810-3815.

Reference to the occasion when Archdeacon Coghlan addressed the people in Keltimagh; witness swears that he never said, on this occasion, that if Colonel Higgins was there he would daub his face with the dirt of the street, *J. Jordan* 8037-8046.

Joyce, Rev. Michael. Witness attended chapel at Kilcommon on Palm Sunday, the 5th April, and heard the Rev. Michael Joyce address the congregation in Irish, before the reading of the Gospel, calling upon them not to vote for Higgins, and holding several threats over the heads of those who did so, *Sullivan* 3194 3224. 3267-3275——Mr. Joyce said that it was the wish of Archbishop M'Hale that the people should not vote for Colonel Higgins, *ib.* 3208, 3209——Reflections by Mr. Joyce on the family of Mr. Jennings, *ib.* 3225-3230——Active part taken by Mr. Joyce during the election on behalf of Moore and Palmer, *ib.* 3231-3236. 3242. 3282-3289. 3317.

Statement as to witness having been extremely ill-used by Mr. Joyce, and, at his direction, by some voters of Moore and Palmer, near to Ballinrobe, on the morning of the

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Joyce, Rev. Michael—continued.

the 7th of April; he was plastered all over with mud, and was very near being put into a bog-hole, *Sullivan* 3237–3255. 3276–3286. 3298–3316——Witness and Mr. Joyce were previously on very good terms, *ib.* 3248. 3302——Mr. Joyce, in speaking to witness, said, "I will make a beggar of you and of your crippled son," *ib.* 3249–3251——Employment of witness at the election in the interest of Colonel Higgins; his general employment is that of a job clerk or writer, *ib.* 3253. 3256. 3264–3266. 3290–3297——Mr. Joyce told the men whom he directed to "plaster" witness; that he (witness) was assisting that "villain" Higgins, *ib.* 3259–3261——Question as to Mr. Joyce having been aware long before the election of witness's employment by Colonel Higgins, *ib.* 3302–3312.

K.

Kelly, George. (Analysis of his Evidence.)—Printer at Ballinrobe, 1355——Information relative to some placards printed by witness on the morning of Wednesday, the 8th April; the manuscript was in the hand writing of the Rev. Mr. Conway, 1358–1385——Reference to some placards printed by witness some days before the election by order of Mr. Griffin, 1386–1395.

Kelly, ——. Witness was not canvassed for either Moore or Palmer, but was canvassed for Colonel Higgins by Mr. Kelly, an attorney, *E. H. Jordan* 8814–8819.

Keltimagh. Violent state of the mob at Keltimagh after hearing the speeches of Archdeacon Coghlan and Mr. Jordan, on the 2d April, *Lavin* 3816, 3817. 4003–4005.

Witness does not recollect to have seen the placard or resolution of the bishops posted up in Keltimagh, *J. Jordan* 8425–8429.

Instance of the good-humour of the people addressed by witness in Keltimagh on Tuesday, the 31st March, *Moore* 13090–13092.

See also *Coglan, Archdeacon.*

Kenny, Courtenay. Mr. Courtenay Kenny acted at Ballinrobe as deputed magistrate at the election, *Griffin* 2126–2129——He gave some orders to the military, and on one occasion found it necessary to have the Riot Act read, *ib* 2130. 2132——He was not staying at Monaghan's hotel on Sunday, or during the election, *ib.* 2133, 2134.

Statement relative to a document signed by Mr. Brown, Sir Robert Bloss, and witness, having been presented to Mr. Sharkie, relative to the conduct of Mr. Courtenay Kenny, *Knox* 7061–7075——Irritated state of Mr. Kenny, in consequence of his having been hooted by a mob of women; adverted to a connexion with the charge of the troops under his orders, *ib.* 7426–7440. 7465–7468. 7570–7586——Mr. Kenny took a violent part at the election in behalf of Colonel Higgins; he voted, however, for Higgins and Palmer, *ib.* 7438, 7439. 7461–7464.

Statement as to Mr. Courtenay Kenny having very unnecessarily ordered the troops to clear the streets on Tuesday, *Martyn* 9906–9914——Witness heard an old woman in the crowd addressing Mr. Kenny and the people laughing, *ib.* 9914.

Witness did not know Mr. Courtnay Kenny personally, and was not aware that he was a deputed magistrate, *Sharkey* 5519–5524.

Killalea, Thomas. (Analysis of his Evidence.)—Freeholder of Mayo; lives at Coleyvallea, 3139. 3140——Went to Ballinrobe on Tuesday, the 7th of April, to vote for Colonel Higgins, but eventually voted for Moore and Palmer through fear of a mob, who came to the house where he was staying, and said he should go with them, 3141–3155. 3164–3192——On Monday, the 6th of April, witness was obliged to hide on two occasions from a mob, 3156–3163——He wished to see his landlord's agent, Mr. Burke, before he promised his vote to any one, 3156. 3174–3176.

Kilmaine Barony. Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

See also *Adjourment of Poll* (*Ballinrobe*). *Polling Booths, &c.* 2. *Twiss, Dr. Hastings.*

Kilmena. Several of the voters about Kilmena plumped for Colonel Higgins, *Mr Laughlin,* 4578, 4579. 4678, 4679——Names of some of the chief landlords about Kilmena, *ib.* 4680–4685——Reference to several tenants of the Law Life Company as having voted for Colonel Higgins and Captain Palmer; conduct of Mr. Ryan towards these voters, *ib.* 4686–4715.——*See* also *Ryan, Rev. Luke.*

King, Patrick. Statement relative to a voter named Patrick King, who promised witness that he would support Colonel Higgins as well as Mr. Moore, but was brought to the poll by the Rev. Mr. Reynolds, and plumped for Mr. Moore, *Griffin* 2035–2053.

Knox, Colonel Charles. (Analysis of his Evidence.)—Resides at Carrowmore, near Ballinrobe, 6963, 6964——Witness's father resides at Kingstown, near Dublin; he owns con-

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Knox, Colonel Charles. (Analysis of his Evidence)—*continued.*

siderable property in and about the town of Ballinrobe, 6965-6970——Witness took an active part in behalf of Captain Palmer at the late election, and plumped for him, 6971, 6972. 7112-7118——Troops were sent to Ballinrobe before the election; this has been done at former elections, 6973-6976——Apparently quiet state of the town on Sunday evening, the 5th of April, when witness happened to pass through it on his way home, 6977-6988. 7127-7142. 7275-7279.

On Monday, the 6th April, witness was in the Kilmaine polling-booth at Ballinrobe, for two or three hours after its opening, and everything seemed to go on very quietly, 6989-6998——There was nothing irregular or improper in the conduct of the priests on Monday, so far as witness saw, 6999-7002——Considerable noise and shouting going on during the polling on Monday, 7003-7005. 7119-7126——Absence generally of violence either to persons or property, 7006. 7058. 7082. 7107, 7108——Witness was present as deputed magistrate at the election of 1852, when there was much excitement and noise, quite as much so as at the late election, 7007. 7011-7014. 7269-7274.

Witness is a magistrate, but not having had a deputation from the sheriff, considered that his jurisdiction was in abeyance during the election, 7008-7010——On Monday, as being market-day, there was an increased crowd in Ballinrobe, 7015, 7016——On Monday witness saw the dragoons under charge of Mr. Shiel the magistrate clearing the street, for which there appeared no necessity whatever, 7017-7028. 7195-7199——Statement as to Mr. Sharkey, deputy sheriff in Kilmaine booth, having recorded the vote of Dr. Twiss for Mr. Palmer only, and having refused to alter it, though it was stated to him by Captain Palmer's agent, that Dr. Twiss proffered his vote for Palmer and Moore, 7029-7038. 7203-7206. 7255.

Belief as to the polling in Kilmaine booth having been adjourned for an hour in the afternoon of Monday, 7039-7043. 7246-7250——Colonel Higgins's voters were brought to the poll under escort, but this has always been the case with the voters of the unpopular candidates, 7046-7049. 7152-7160——So far as witness was aware, there was no riot or violence during the night of Monday, 7050-7053——Nor did he see any violence or disturbance during Tuesday, 7054-7060. 7081-7098. 7176. 7207-7210.

Statement relative to a document signed by Mr. Brown, Sir Robert Bloss and witness, having been presented to Mr. Sharkey relative to the conduct of Mr. Courtenay Kenny, 7061-7075——Statement by Mr. Sharkey in regard to the charge of the troops falling upon Mr. Shiel or Mr. Arabin, 7076-7080——Quiet state of the town on Wednesday; printed address by the Rev. Mr. Conway adverted to hereon, 7099-7106. 7176-7179——There was a full attendance of voters at the booths during Monday, 7109-7111.

Witness had no direct communication with Mr. Conway during the election, 7143-7151——Influence of the priests adverted to with reference to the circumstance of escorts being necessary for the unpopular candidate, 7152-7160——As regards the conduct of Father Conway, witness does not recollect having been assaulted in 1852 by a mob, urged on by him, 7161-7175——Captain Palmer had the support of the priests, but witness does not know that it was essential to his return, 7180-7187.

Witness told his father's tenants, about thirty in number, to give one vote to Captain Palmer; they, of their own accord, voted for Moore as well, 7188, 7189. 7256-7262——Reference to a tenant of witness, named William Jennings, who was placed in arrest for some violence, 7190-7194——Circumstance of Archbishop M'Hale's support having been obtained for Captain Palmer, 7214-7220——Particulars as to a meeting and arrangement between three priests on behalf of Mr. Moore, and Lord John Browne, Sir Robert Bloss, and witness on behalf of Captain Palmer, 7221-7245. 7284-7287.

Reference to a complaint in regard to the conduct of Mr. Conway in the polling-booth; course taken thereon by the deputy sheriff, 7251-7253——Duties devolving on the deputy sheriff in each booth, 7254. 7263-7268——The deputy sheriffs are selected by the high sheriff, there being no particular rule laid down so as to appoint so many of each party 7280-7283.

[Second Examination.] In correction of former evidence (7224. 7228), witness states it as his impression that Sir Robert Bloss was not present at the meeting with the priests, relative to an interchange of support between Captain Palmer and Mr. Moore, 7923-7930.

Knox, Colonel. Indirect support given to witness by Colonel Knox, who owns the town of Ballinrobe, *Moore* 13113, 13114*.

L.

Lambert, Mr. Mr. Lambert and others called upon witness for his support at the last election, *Archbishop M'Hale*, 6778, 6779——Mr. Lambert was a candidate, but did not appear at the nomination; he was for tenant right, but was not supported by the priests, *Sir R. Bloss* 7529-7533.

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Landlords. Witness told those tenants of his who would not come to Ballinrobe, that he did not care for whom they voted, *French* 1057. 1182——Witness's tenants include about fifty voters, who, with the exception of four or five, plumped for Colonel Higgins, *Sir R. O'Donnell* 6205-6218.

Comment on the improper coercion by the landed proprietors of the votes of their tenants, *Archbishop M'Hale* 6891-6893. 6898, 6899——Feeling of self-preservation upon which the Roman-catholic tenants grounded their support of Captain Palmer, *ib.* 6947-6949.

Witness told his father's tenants, about thirty in number, to give one vote to Captain Palmer; they, of their own accord, voted for Moore as well, *Knox* 7188, 7189. 7256-7262.

The voters generally followed their landlords at the late election, and, in some instances, instead of supporting also the priests' candidate, plumped for Colonel Higgins, *Honourable J. Brown* 7802-7811.

Laughan, Michael. (Analysis of his Evidence.)—Farmer and freeholder at Ballymaghillon; is an elector for Mayo, 2634-2639——On Sunday afternoon, the 5th of April, James Moran, Mark M'Tighe, another voter, and witness, were going, each in a separate car, to Ballinrobe, to vote for Colonel Higgins, 2640-2663. 2666-2668——When near Ballinrobe they met a large mob, with the Rev. Mr. Conway among them on horseback, 2664, 2665. 2670-2676. 2793——Before meeting the mob witness and his party saw Mr. Burke, of Ower, who had been ill-used by the mob, and told witness and the other voters that they had better return home, 2669, 2670. 2792-2804.

Mr. Conway said that three or four men had been killed in Ballinrobe, 2670, 2671——Witness and the other voters were extremely frightened, and turned round to get away, but were brought back by the mob to where Mr. Conway was, 2677-2691——Mr. Conway referred to a paper in his possession, and then told the people to keep witness in custody, 2692-2700——Witness and other freeholders were then taken to Cong, and confined in Volkenburn's hotel there for the night, 2702-2713.

Mr. Conway and the mob wanted witness and the others at Cong to vote for Moore and Palmer, and brought them to the poll at Ballinrobe on Monday, but it was closed, 2714-2733. 2756-2759——If the poll had been open, witness would have plumped for Higgins, although, for the sake of liberty, he and others promised to vote for Moore and Higgins, 2727-2732. 2805-2810—On Monday, after the poll, witness and some others were taken to Mr. Conway's house for the night, 2734-2743. 2811, 2812——On the morning of Tuesday they escaped from Mr. Conway's house and went with other voters to the poll under escort, 2743-2755. 2813-2818.

Witness polled on Tuesday for Moore and Higgins; he would have plumped for Colonel Higgins but for his dread of the people, 2760-2762——Witness has since been afraid to go to Ballinrobe, 2763-2765——He is a Roman-catholic, 2766——He never voted before, 2768, 2769——Mr. Jennings, one of Colonel Higgins's agents, had canvassed witness some days before the election, 2770-2776——Further reference to the party who were accompanying witness to Ballinrobe on the Sunday; Mr. Jennings was one of them, 2777-2791——After having voted, witness was accompanied out of the booth by Mr. Conway, who told the mob not to touch him; he went home early in the evening, 2821-2842.

Lavin, Ambrose. (Analysis of his Evidence.)—Freeholder of Mayo; lives at Bohola, 3771, 3772——Was at Bohola chapel on Sunday the 29th March, when Mr. Halligan, the curate, addressed the congregation relative to the election, 3773-3780——Particulars as to Mr. Halligan's address; among other things, he designated Colonel Higgins as a traitor and a pledge-breaker, 3781-3786. 4011-4013. 4015-4017——Statement as to Mr. Bernard M'Manus having attempted to reply to Mr. Halligan in the chapel; he was prevented by the priests, and subsequently addressed the people out of doors, 3787-3789. 3881-3899. 4008-4011.

About a fortnight before the election, witness saw Mr. Moore canvassing in Swinford, 3790-3796. 3900-3903——Statement as to the Rev. Mr. Coghlan having addressed the mob at Keltimagh in favour of Moore and Palmer on the 2d April, 3797-3809. 3922-9334. 4003-4005——Mr. James Jordan was with Mr. Coghlan on this occasion, and witness heard him call Colonel Higgins a cut-throat, and say that if he were present he would daub his face with the dirt of the street, 3810-3815——Violent state of the mob at Keltimagh after hearing the speeches of Mr. Coghlan and Mr. Jordan, 3816, 3817. 4003-4005——Violent language used by the Rev. Mr. Nicholas, of Bohola, towards witness and some tenants of Mr. Taafe, who were being kept out of the way of the priests, in his house, on the 4th of April, and were going to vote for Colonel Higgins, 3818-3830. 3913, 3914. 4006, 4007. 4014.

Witness is Mr. Taafe's under agent, 3823——Statement as to an elector named Michael Dunleavy, having been compelled by the mob at Swinford to vote for Moore as well as Higgins, he having intended to plump for the latter, 3831-3837. 3938-3974——Violence used towards witness on this occasion; Dunleavy's son, as well as himself, was

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Lavin, Ambrose. (Analysis of his Evidence)—*continued.*

struck violently by Patrick Sheridan, Mr. Moore's bailiff, 3837-3844. 3956-3961——Escorts were required at Swinford for Colonel Higgins's voters, but not for those of the opposite party, 3841, 3842. 3867-3869——Violence displayed towards witness in his own house, on the 7th April, by some tenants of Mr. Moore; means taken to get rid of them, 3845-3854. 3975-3983.

Swinford was in a more excited state than at any former election, 3855-3858——Active part taken by the priests at Swinford on behalf of Moore and Palmer, 3859-3866——During former elections, the priests at Bohola have addressed the congregation from the altar on election matters, 3870-3880——It is not at all usual for a laymen to address the people in chapel, or to interrupt any address by the priest, 3882-3884——Witness is a farmer, and also keeps a public-house at Bohola, 3904-3909——He took an active part in canvassing Mr. Taafe's voters, 3910-3921——Necessary employment of military at the election for Mayo in 1852 for the protection of the voters of Colonel M'Alpine, 3984-4002.

Lavin, Ambrose. Inaccuracy of the statement of Ambrose Lavin that he is a freeholder of Mayo, *J. Jordan* 8047-8053.

Lewin, Mr. Mr. Lewin, a supporter of Colonel Higgins, came into Ballinrobe without an escort, *Martin* 10175-10180. 10351-10353.

Liner, Walter. Reference to a voter of the name of Walter Liner, who was expected to support Colonel Higgins, but was brought up by Mr. Conway for the opposite party *Griffin* 2054-2061.

Louisburgh. Witness brought from twenty to twenty-five voters from Louisburgh to Westport to vote for Palmer and Moore, *Wilbraham* 9620, 9621——There were no troops in Louisburgh before the election, nor any police force, *ib.* 9628-9631——Statement as to witness having applied to the Government for an escort for the Louisburgh voters; no troops, however, were sent, *ib.* 9632-9653——Escort of non-voters, and for a part of the way of police, under which witness brought the voters from Louisburgh to Westport, on Monday the 6th of April, *ib.* 9653-9672. 9769-9775, 9790-9798——Portion of the route from Louisburgh to Westport at which witness thought an escort necessary, *ib.* 9777-9780. 9790-9798.

M.

M'Culloch, Rev. Mr. Circumstance of the Rev. Mr. M'Culloch, a priest, who was in the same car as witness, when going to Castlebar to vote, having struck one of the men who wanted to get on the car near Newport, *Sweeney* 12766-12772. 12899-12905. 13013——Circumstance under which Mr. M'Culloch was on the car with witness; witness does not know where he was going, *ib.* 12876-12898. 13009-13012——After witness had been taken off the car he lost sight of Mr. M'Culloch, and does not know what became of him, *ib.* 12906-12911.

M'Dermott. Statement relative to an elector named M'Dermott, a tenant of Mr. Valentine Blake, who promised to support Colonel Higgins, but on account of the mob did not vote at all, *Griffin* 2016-2034. 2218, 2219.

M'Donnell, Edward. Part taken on behalf of Colonel Higgins by Mr. Edward M'Donnell, of Caher, *M'Manus* 3576-3578. 3582-3585.

Evidence as to the partial and unfair conduct of Mr. M'Donnell, as deputy sheriff in Ballina polling-booth, *F. O'Donnell* 12482-12486 *et seq.*; *Moore* 13134-13146——Of all Colonel Higgins's supporters Mr. O'Donnell was, perhaps, the most unscrupulous, *Moore* 13136-13139.

M'Donnell, Mark. Active part taken by one Mark M'Donnell in leading on the mob which abducted Michael Durcan; witness believes that he is under-agent to Mr. Moore, *M'Manus*, 3498-3500. 3622-3666. 3668-3677——Explanation as to witness's brother having been at one time agent to Mr. Moore, and having been discontinued together with Mark M'Donnell; witness was subsequently his agent for some time, *ib.* 3655-3688. 3770.

M'Evily, Rev. Mr. On Sunday, the 5th April, witness was at Newport, and saw the Rev. Mr. M'Evily address the voters about the election, *Sir R. O'Donnell* 5764-5778.

M'Greal, Thomas, M.D. (Analysis of his Evidence.) Practises at Castlebar; is a Roman-catholic, 11280, 11281——Took an active part at the late election in favour of Mr. Moore; at the previous election supported Colonel Higgins, 11282. 11297, 11298——With regard to the placard headed "People of Mayo," witness explains that on the Monday before the nomination he met, accidentally, Mr. Sheridan, Mr. Jordan, and the Roman-catholic clergy of Castlebar, at the house of the Rev. Mr. Cahill, and then and there

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M'Greal, Thomas, M. D. (Analysis of his Evidence)—*continued.*

there drew up the placard, embodying in it the resolution of the bishops, which had just come from Tuam in manuscript in the handwriting of Archbishop M'Hale, 11283-11296. 11390-11429. 11497-11499. 11684-11694.

Circumstance of witness having brought the Rev. Mr. Curley in his car from Westport to Castlebar on the day before the nomination, 11299-11311——On arriving in Castlebar they found a great crowd, who were shouting very violently, and groaned at them at them as they passed, 11312-11320——Mr. Curley subsequently addressed the people from witness's house and begged them to be quiet, 11322-11331——At the nomination Mr. Curley requested the people to hear patiently Dean Burke and other supporters of Colonel Higgins; his influence was entirely directed towards keeping the people quiet, 11334-11339. 11696, 11697.

Violent and improper conduct of Mr. Sharkey at the nomination, 11350-11358. 11695——During the nomination and the polling Castlebar was quieter than it has been at any former election for several years, 11359-11364——Circumstance of Mr. Curley and witness having recently been together in London, 11365-11381——During the polling witness made memorandums of the electors, and how they voted, 11382-11388.

Examination as to the persons present on the occasion of Mr. Moore's first canvass in Castlebar, that is, on Monday the 30th March; names of several priests adverted to hereon, 11430-11521. 11682, 11683——Reference to sundry extracts from the speech made on this occasion by Mr. Moore from the window of witness's house; doubt as to the accuracy of the report of the speech in the "Telegraph," 11522-11596. 11673-11683.

Examination with reference to the witness Hanley, who was employed as a mobsman by Colonel Higgins's party, at 5*s.* a day, to the effect that nothing at all material has passed between witness and him or his mother relative to the evidence to be given by him, 11597-11672.

M'Hale, Archbishop. (Analysis of his Evidence.)—Claims the title of Archbishop of Tuam in the Roman-catholic Church (such title not acknowledged by the Committee); 6294-6296——A large portion of the county of Mayo is in witness's diocese, 6297——The parish priests and the curates in the diocese are appointed by him; number of these, 6297-6307——The bishops are appointed by the Pope, 6308, 6309——Witness has power to remove or suspend the parish priests, 6310-6314. 6330-6335.

The Rev. Peter Conway has never been witness's secretary, 6315-6317——The Rev. Mr. Ryan, in the parish of Kilmena, and the Rev. Mr. Conry, in the parish of Tuam, act as administrators in regard to the contributions to witness's revenue, 6318-6322. 6327, 6328——Mr. Ryan was appointed by witness about six years ago, and is removable by him, 6323-6326. 6329-6335.

Circumstance of the Rev. Michael Curley having recently acted as witness's secretary, in writing, by his direction, a certain letter to the Parliamentary agents for the petitioner, 6336-6342. 6345, 6346——Mr. Curley came to England with witness, but on other business than that of the election petition, 6343-6345. 6615. 6619——Names of several priests appointed by witness, and of the parishes to which they belong, 6347-6375.

Presence of witness, Mr. Curley, and Mr. Moore at a meeting in September, for laying the foundation of a Roman-catholic chapel at Louisburgh, 6376-6380——Part taken by Mr. Curley in this meeting with regard to the introduction of Mr. Moore, 6381-6384. 6402-6406——Witness heard part of the speech made by Mr. Moore on this occasion, but does not recollect to have heard a certain passage to the effect that "the priests, under the advice of the great Archbishop, should decide the way in which each Catholic voter should exercise the elective franchise," 6385-6401.

Reference to a casual meeting at witness's house in Tuam, on the 22d March, of bishops and priests, who had been assisting at the consecration of the Bishop of Galway; names of some of those present, 6407-6415. 6448-6470——Examination relative to a resolution drawn up by witness at this meeting, and signed by himself and Bishops Feeney, Durcan, and M'Evily, relative to the approaching election; witness does not recognise this resolution in one as printed in a newspaper now shown to him, 6416-6442. 6448-6458. 6465-6469——Belief that the resolution signed by witness did not name Colonel Higgins, 6424-6431——Circumstance under which Mr. Swift, the former member for Sligo, was present at this meeting, 6443-6447. 6471-6482. 6733, 6734——Having signed the resolution, witness did nothing further in the matter in regard to its dissemination, and does not know what became of the document, or whether it was sent to any of the newspapers for publication, 6483-6516. 6726-6731.

On the day of the nomination witness went to Castlebar, as feeling an interest in the election, 6517-6524. 6533, 6534——He had intended to nominate Mr. Moore, but had been told some days previously that not being an elector, he had no right to do so, 6518-6528. 6537-6540——He did not go into the court-house, 6529——He stayed at the house of the Rev. Mr. Hosty, 6530-6552——He was accompanied from Tuam by the Rev. Mr. Conry, 6535, 6536——He saw Mr. Moore on the day of nomination; several priests present, 6541-6553.

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M'Hale, Archbishop. (Analysis of his Evidence)—*continued.*

Reference to a conversation in Castlebar between witness and the Rev. James Brown, parish priest of Carmacan; reason why witness discountenanced Mr. Brown on this occasion, 6554-6580——Witness does not recollect having gone to Armstrong's hotel, when in Castlebar, at the nomination, 6581-6585——Neither in going to nor returning from Castlebar did witness call at Moore Hall, 6586-6597——During the polling witness was in Tuam, 6598, 6599.

Witness did not, during the election, hear anything about Mr. Conway's conduct at the election, 6600——Since the election Mr. Conway has been at witness's house, and witness has been at his house, 6601-6608. 6620, 6621——Witness excused himself from attending a dinner given to Mr. Moore in Westport, on 14th April, 6609-6614——Mr. Ryan did not accompany witness to London, nor has witness seen him here, 6617-6619——Witness was aware of Colonel Higgins's petition having been read in chapel by the Rev. Mr. Green, but did not hear it read, 6622-6642——The petition may have been read in several chapels, but it was not read by any direct sanction from witness, nor had he any special knowledge of its being read, 6643-6657.

With regard to the so-termed altar denunciations by Mr. Ryan, witness declines to say whether he would suspend Mr. Ryan on account of the words attributed to him, 6656-6671——Question as to what constitutes a denunciation, 6659-6668. 6672——Disapproval of denunciation by name from the altar, 6668, 6669. 6672——When all the circumstances of any case are known to witness, it will be time for him to state his opinion and act thereupon, 6668-6671. 6677——No complaint has been made to witness of the conduct of any priest in regard to altar denunciations, nor has the fact of such denunciations been officially made known to him, 6673-6680.

Witness has subscribed 10 *l.* to the Moore Indemnity Fund for the defence of the election, 6681-6683——At his visitations he has recommended the clergy to subscribe to the fund, 6684-6689——Laymen have doubtless subscribed, though witness cannot recollect the names of any, 6690-6695——With regard to certain remarks said to have been used from the altar at Kilmena by Mr. Ryan, witness did not hear of them till recently, through the newspapers, 6696-6704——Circumstance of some parishes in witness's diocese having continued vacant since the time of the election; explanation hereon relative to Castlebar, 6705-6721.

Disinterested part taken by witness in regard to any assistance given by him towards the return of candidates, 6722-6725——Probability of parties having applied to witness with reference to their coming forward as candidates for Mayo, 6732-6734——Witness does not recollect having ever told any person that he would adopt and return him if he started for the county, 6735-6744——With regard to the resolution as signed by witness at Tuam, and as published in the newspapers, his attention was not called to the discrepancy between the two, 6745.

Witness considers that it is not only his right but his duty to express his opinion upon the relative merits of candidates for the representation of the people in Parliament, 6746, 6747——He disapproves of any violent measures on the part of the clergy with a view to the return of any candidate, 6748——On this point witness is anxious to lay before the Committee some portions of the instructions issued by him to the clergy of the diocese in his pastoral letter before the election, 6748-6751.

[Second Examination.] Witness reads portions of his pastoral letter, dated Passion Sunday, 1857, relative to the forthcoming election, and the conduct to be expected from the clergy and the people, 6752-6755——Strong inculcation in this pastoral of a spirit of peace and forbearance, and of the avoidance of riot, intoxication, and bribery, 6755——This document was published, with witness's full consent, in the "Freeman's Journal," 6756, 6757——He has received no complaint whatever of any transgression by the clergy of the advice given in the pastoral, 6758.

Witness has never disguised his opinion that Colonel Higgins was not worthy of support, as having broken his pledges, 6760-6762——In 1852, witness voted for Colonel Higgins and Mr. Moore, 6763, 6764——The political pledges made by Colonel Higgins in 1852, and previously, have since been deliberately violated; hence witness's opposition to him, 6765-6772.

In expressing opinions adverse to Colonel Higgins, witness further shows that he discountenanced violence on the part of the clergy, 6773, 6774——Reference to pastorals issued by witness at former elections discountenancing violence, bribery, &c. 6774, 6776, 6777. 6960, 6961——If witness were convinced that the clergy had acted in the way described in the petition, he would not fail to reprehend and punish them, 6774. 6775. 6962——He feels, however, that his clergy are not capable of the acts charged against them, 6775.

Mr. Lambert and others called upon witness for his support at the last election, 6778, 6779——Sir Thomas Redington addressed a note to him with reference to the representation of Galway, but witness said he should oppose his election, 6779-6783——Witness further states that he never offered to adopt and return any candidate for Mayo,

6784,

Report, 1857—*continued.*

M'Hale, Archbishop. (Analysis of his Evidence)—*continued.*

6784, 6785——Remarks in justification of witness's intention to have proposed Mr. Moore at the nomination, 6786-6790. 6802——Civil as well as ecclesiastical rights of witness, 6787. 6950-6953.

As regards a certain placard headed "Men of Mayo," witness and the bishops never never signed it, or had anything to do with it, 6791-6794——Witness further repeats his belief that the resolution signed by himself and the bishops did not refer by name to Colonel Higgins, 6793——General objection of witness to name persons in documents, 6793. 6873-6875——Further statement as to witness, when at Castlebar, having discountenanced the Rev. Mr. Brown, 6795-6799——Witness was neither on the hustings nor in the court-house on the day of nomination, 6800, 6801.

As regards a certain printed copy of witness's pastoral, he cut it out of the "Freeman's Journal," but has no recollection of having seen, in doing so, in the same paper, the resolution agreed to at his house in Tuam, 6803-6823——Explanation as to the pastoral not having appeared before the election in the local newspapers, 6824-6832. 6850-6870——Statement that the clergy, or many of them, had a copy of the "Freeman's Journal" containing the pastoral on the Sunday before the election, 6831. 6834-6840.

Private letters were written by witness to a few of his clergy about the election; he does not think he wrote one to Mr. Moogan, 6833. 6841-6849. 6871, 6872——Greater convenience in having the pastoral printed in Dublin than in Castlebar or Tuam; it was sent to Dublin on Friday, the 3d April, 6850-6870.

Further evidence as to Colonel Higgins having broken the conditions on which he was returned at the election in 1852, 6876-6890——Expectation of patronage or place under which Colonel Higgins received the support of the Roman-catholic gentry at the late election, 6888-6898.——Comment on the improper coercion by the landed proprietors of the votes of their tenants, 6891-6893. 6898, 6899.

With regard to coercion by the Catholic clergy, it is only exercised to counteract the coercion of the gentry, 6899——Instance of the usefulness of the influence of the priest in counteracting bribery, 6900-6906——Proposition that in the exercise of the elective franchise, the Catholic peasantry should in the first instance be guided by the dictates of their conscience, but that in case of doubt they cannot do better than consult their clergymen, and act upon their advice, 6907-6913, 6933-6946——The clergy, however, should by no means coerce the electors, 6912, 6913.

Conduct in Parliament of Captain Bellew, the late Member for Galway, adverted to in connexion with the different course pursued by witness respectively towards him and towards Colonel Higgins, 6914-6932——Feeling of self-preservation upon which the Roman-catholic tenants grounded their support of Captain Palmer, 6947-6949——Reluctance with which witness has submitted to the payment of the income tax and of poor-rates, adverted to with reference to his civil rights, 6950-6959——No complaint has ever been made to witness in regard to the misconduct of his clergy at former elections, 6960-6962.

M'Hale, —— (Elector of Burrishoole Barony). See *Abduction of Voters.*

M'Hugh, Rev. Mr. Circumstances under which witness felt called upon to threaten to place the Rev. Mr. M'Hugh in custody on the first day of polling at Ballinrobe, *Sharkey*, 5172, 5173.

M'Laughlin John. (Analysis of his Evidence.)—Farmer at Kilmena, Castlebar, 4416-4418——Was at Kilmena chapel on Sunday, the 15th of March, when the Rev. Luke Ryan, the Roman-catholic administrator addressed the congregation about the election, and said it had already cost him 3*l.* to defeat the return of the traitor Higgins, 4419-4424——On Sunday, the 22d of March, Mr. Ryan read aloud from the altar a printed list of the voters in the parish, commenting strongly on those who might be expected to vote for Higgins, 4425-4437. 4444-4448——After reading out the names, he said, pointing from the altar to the aisle, "if the devil came up there, he would vote for him in preference to Colonel Higgins," 4438-4442——Serious effect of Mr. Ryan's address from the altar upon the minds of the congregation, 4449-4460.

[Second Examination.] On the 22d March Mr. Ryan referred to Sir Richard O'Donnell as the "little baronet," and told the people to hunt their dogs upon him when canvassing, and to shut their doors in his face, 4461-4476——On the 29th March witness again heard Mr. Ryan speak from the altar in strong denunciation of any one who should support Colonel Higgins; language used by him on this occasion, 4477-4504——Mr. Ryan again spoke about the election on Sunday the 5th April; he referred to Sir R. O'Donnell as the Derby priest, and requested the congregation to go with him to Newport after mass, which many of them did, 4504-4525. 4634-4662.

On Tuesday, the 7th April, witness saw Mr. Ryan apparently much engaged in the election business, 4526-4533. 4716-4722——Doubt in regard to Mr. Moore having a separate committee-room at Castlebar, 4534-4540. 4722——Mr. Ryan shook his hand at Colonel Higgins's voters and called them traitors, 4535-4537. 4721——On Sunday, the

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M'Laughlin, John. (Analysis of his Evidence)—*continued.*

12th April, Mr. Ryan said in the chapel at Kilmena that Colonel Higgins's voters were traitors, and must not dare to offer him any Easter dues, 4541-4548——On Sunday the 19th, Mr. Ryan gave out the stations for confession, and said he would not go to the house of Pat Brown, as being a traitor who had voted for Colonel Higgins, 4549-4551.

Statement by Mr. Ryan in Kilmena chapel on Sunday the 14th June, relative to what he had said from the altar before the election, and cautioning those who had been served with Speaker's warrants not to commit perjury, 4558-4565——Witness attended chapel each Sunday from the 15th March without having had communication from any one to induce him to do so, 4566-4572——Witness plumped for Colonel Higgins; he had not a vote at previous elections 4573-4588——Several of the voters about Kilmena plumped for Colonel Higgins, 4578, 4579. 4678, 4679.

Explanation as to witness having made memoranda of the dates of Mr. Ryan's addresses from the altar; he did not write down the language used, 4589-4633——Witness was at Westport on the first day of polling till the afternoon, 4664-4671——He voted at Castlebar on the Tuesday, and remained about the court-house for some time afterwards, 4672-4677——Names of some of the chief landlords about Kilmena, 4680-4685——Reference to several tenants of the Law Life Company as having voted for Colonel Higgins and Captain Palmer; conduct of Mr. Ryan towards these voters, 4686-4715.

Witness was served with the Speaker's warrant on the 8th June; he was previously told by Sir Richard O'Donnell in a casual conversation that he would be served, 4723-4739——The facts with reference to which witness received the warrant were notorious to hundreds, 4738-4740.

M'Laughlin, J. Statement by Mr. James relative to an attack in Castlebar upon the witnesses M'Laughlin and Gannon after their return thither, *p.* 444.

Witness produces two letters received in the morning from James Conry and Thomas Cooley, of Castlebar; they are dated 7th July, and refer to assaults upon the witnesses M'Laughlin and Gannon on their return thither, *Colonel Higgins*, 13014-13018, and *pp.* 444, 445.

M'Manus, Bernard. (Analysis of his Evidence.)—Magistrate of Mayo; Resides at Barley Hill, near Swinford, 3417-3419. 3555-3557——Is a Roman-catholic, and a supporter of Colonel Higgins, 3420, 3421——Was at chapel at Bohola on Sunday the 29th March, when the Rev. James Halligan addressed the congregation in language very condemnatory of Colonel Higgins, and told them that their bishops and priests wished them to support the other candidates; particulars hereon, 3423-3444. 3454-3457. 3549-3552. 3614-3622. 3642, 3643——Statement as to witness having attempted to address the people in chapel in defence of Colonel Higgins; he was prevented by the priests, but subsequently addressed them outside; tenor of his remarks, 3445-3453. 3623-3654. 3751.

After the address of Mr. Halligan, witness found great difficulty in getting any voters to support Colonel Higgins, 3460-3468——Military escort necessary in bringing Colonel Higgins's voters to the poll at Swinford, 3469-3480. 3690-3695. 3747-3750——Witness had a deputation from the sheriff to act at the election, 3477——Active part taken by the priests at Swinford in bringing up voters to the poll, 3481-3490——Particulars relative to the abduction of a voter named Michael Durcan, who was going on one of Colonel Higgins's cars, to vote for him at Swinford, but was taken away by the mob, 3491-3515. 3753-3757.

Active part taken by one Mark M'Donnell in leading on the mob; witness believes that he is under-agent to Mr. Moore, 3498-3500. 3662-3666. 3668-3677——About a week before the election, Mr. Moore was in Swinford, and addressed the people, 3516. 3732-3738——During Mr. Moore's canvass there was a large mob about, and several priests, who seemed to be at the head of them, 3517-3531——Witness did not read the Riot Act, but another magistrate at Swinford did so, 3532-3535.

Reference to an elector of the name of Charles O'Donnell, who voted for Colonel Higgins at Swinford, though his nearer district was another polling-place, 3536-3548. 3554——The great body of the Roman-catholic gentry were in favour of Colonel Higgins, 3553——Witness was one of the committee for ensuring Colonel Higgins's return, and took an active part in his behalf till some days before the election, 3558-3568. 3579——Explanation as to witness, and several other magistrates and supporters of Colonel Higgins, having received deputations from the sheriff to act at the election; names of some of those deputed, and part taken by them in bringing up voters, 3569-3585. 3696-3726. 3740-3746. 3759-3770.

The military were brought to Swinford on the Saturday before the election, 3587-3593——In Swinford it is a very unusual thing for a priest to address the congregation from the altar on such topics as that of an election, 3594-3613——Witness has heard a layman address the congregation in chapel, 3647-3654——Explanation as to witness's brother

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M'Manus, Bernard. (Analysis of his Evidence)—*continued.*

brother having been at one time agent for Mr. Moore, and having been discontinued, together with Mark M'Donnell; witness was subsequently his agent for a short time, 3655-3688. 3770.

In bringing Colonel Higgins's voters to the poll at Swinford witness employed cars, and always had an escort, 3690-3695. 3722-3725.——There was no necessity whatever for escorting the voters of Moore and Palmer, 3726.——An elector of the name of Dunleavy was expected to vote for Colonel Higgins, but he was taken away by the other party, 3727-3731. 3758.——The deputation from the sheriff was merely to act as magistrate, not as deputy sheriff, 3745, 3746. 3759-3761. 3770.

M'Manus, Mr. Circumstance of witness's having attempted to address the people in Bohola chapel, in reply to the Rev. Mr. Halligan, and in defence of Colonel Higgins; he was prevented by the priests, but subsequently addressed them outside; tenor of his remarks, *M'Manus* 3445-3453. 3623-3654. 3751.

Statement as to Mr. Bernard M'Manus having attempted to reply to Mr. Halligan in the chapel; he was prevented by the priests, and subsequently addressed the people out of doors, *Lavin* 3787-3789. 3881-3889. 4008-4011.——Mr. M'Manus spoke very respectfully, *ib.* 3883. 4008-4011.

Mr. M'Manus stood up in chapel to address the people, but was prevented from doing so by the parish priest; he subsequently addressed them outside the chapel, and spoke against Captain Palmer, as an Orangeman, &c., *J. Jordan* 7953-7963.

M'Tighe, Mark. (Analysis of his Evidence.)—Freeholder of Mayo, 2843.—On Sunday the 5th of April was going with other voters into Ballinrobe to vote for Colonel Higgins, 2844-2847. 2912-2915.——When near Ballinrobe met a large mob, and Father Conway among them, 2848, 2849.——Witness was extremely frightened, and ran away, but was brought back by some of the mob, 2850-2955. 2924-2926.——Father Conway asked witness his name, and then, having referred to a paper in his possession, gave him in charge to the mob, 2856-2867. 2926.

Witness was then taken by the mob to a hotel at Cong, but escaped in the night, 2868-2877. 2884-2890.——He was greatly alarmed when at Cong; the mob were very violent, and the town was in a terribly excited state, 2878-2883. 2943-2946. 2958, 2959.——He escaped to a friend's house, and subsequently went into Ballinrobe with other voters, strongly escorted, and plumped for Colonel Higgins, 2891-2906. 2947-2950.——He has ever since been afraid of going to Ballinrobe, 2907, 2908.

Circumstances under which witness saw Mr. Burke, of Ower, on Sunday, with the mob and Father Conway near him, 2909-2923.——Witness had been canvassed by Mr. Jennings for his vote for Colonel Higgins some days before the election, 2927-2930.——He always intended to plump for Colonel Higgins; he had not voted at former elections, 2930-2942.——After he had polled, he was escorted to Monahan's hotel, and stole home in the night, 2951-2957.

Madden, Mr. On Saturday evening, before the election, witness went to Mr. Madden's, of Ballycastle, who said that he had already partially promised to support the other candidates, but that he would support witness, which eventually he did not do, *Moore* 13133.

Magistrates. Witness is a magistrate of the counties of Mayo and Galway; resides in Galway, *Ruttledge* 17-19.——Was high sheriff of Mayo in 1852, *ib.* 20.——Is a freeholder and an elector for the county, *ib.* 21-23.——Voted for Colonel Higgins at the last election, *ib.* 24-26.——Several other magistrates, besides witness, had deputations from the sheriff, *ib.* 188-190.——As deputed magistrate, witness merely looked after the safety of Colonel Higgins's supporters, and would have acted the same part by Mr. Moore's voters if they had required it, *ib.* 242-255. 380. 383-385.——Explanation as to the sheriff having given deputations to several magistrates besides witness, *ib.* 249. 248-250. 258-262.——Witness was attached to the military and not to the voters, *ib.* 242, 243. 248-252.——He was an active supporter of Colonel Higgins, and was well known as such, *ib.* 244-247. 267, 268.

Witness is a magistrate of Mayo; resides near Swinford, *M'Manus* 3417-3419. 3555-3557.——Is a Roman-catholic and a supporter of Colonel Higgins, *ib.* 3420, 3421.——Had a deputation from the sheriff to act at the election, *ib.* 3477.——Was one of the committee for insuring Colonel Higgins's return, and took an active part in his behalf till some days before the election, *ib.* 3558-3568. 3579.——Application as to witness and several other magistrates and supporters of Colonel Higgins having received deputations from the sheriff to act at the election; names of some of those deputed, and part taken by them in bringing up voters, *ib.* 3569-3585. 3696-3726. 3740-3746. 3759-3770.——The deputation from the sheriff was merely to act as magistrate, not as deputy sheriff, *ib.* 3745, 3746. 3759-3761. 3770.

Witness is son of the celebrated Curran, *Curran* 4217.——Was sent by Government to take charge, as stipendiary magistrate, of the Swinford polling-booth at the late election, *ib.* 4218-4221. 4315-4318.——Went to Swinford on the 27th March, and

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stayed at the hotel, *Curran* 4222–4224——Relative position at the election of witness and of the magistrates deputed by the sheriff; his powers did not supersede those of the resident magistrates, *ib.* 4279. 4301–4303. 4391–4393.

Witness is a stipendiary magistrate at Ballinasloe, Galway; was moved to Castlebar on temporary duty, on the 26th March, *Montgomery* 4742–4745. 4789–4796.

Witness, who is a magistrate, studiously avoided acting in any judicial way during the election, *Sir R. O'Donnell* 5720. 6101–6106.

Witness is a magistrate, but not having had a deputation from the sheriff, considered that his jurisdiction was in abeyance during the election, *Knox* 7008–7010.

Practice in Mayo of giving deputations to magistrates to act with the military, &c., to give so many to each party, *Sir R. Bloss*, 7361–7363——Witness applied for a deputation and was refused one; other applications were also refused, *ib.* 7364–7372——Duty of a deputed magistrate to see that the peace is preserved, *ib.* 7535–7537——It was understood by witness and other magistrates that their powers were suspended as not having been deputed, *ib.* 7565–7567.

Witness applied, as magistrate, to the high sheriff for a deputation to act at the election; refusal of the same, *Lord J. Browne*, 9472–9476——At the election deputations were given to Colonel Higgins's supporters alone, *ib.* 9478, 9479.

Witness is a magistrate of Mayo; is a freeholder, and voted for Captain Palmer and Mr. Moore, *Wilbraham*, 9591–9599——Circumstance of witness having applied for a deputation to act, which was not granted, *ib.* 9622–9627——There was no deputed magistrate in Castlebar on the 4th of April who could act in cases of assault or riot, *ib.* 9718–9726——Up to Monday, the 6th April, there was no deputed magistrate at Westport, *ib.* 9727–9731——When witness applied for a deputation, he thought that without one he could not act, *ib.* 9799–9802.

See also *Curran, Mr. Deputy Sheriffs. Kenny, Courtenay. O'Grady, Francis. O'Malley, George James. Strickland, Charles.*

Maley, William. Doubt whether Mr. William Maley, of Turlow, the deputy sheriff at Carra booth, was one of Colonel Higgins's committee, *Sir R. M'Donnell* 6220–6228.

Maughan, Patrick. With regard to Patrick Maughan, an independent farmer, who was to have voted for Colonel Higgins, witness refers to a letter from him explaining the reasons why he did not so vote, *Griffin* 2099–2105. 2243–2248.

Martyn, Jeffrey. (Analysis of his Evidence.)—Magistrate of Mayo for the last twenty-five years, 9808, 9809——Lives near Ballinrobe, and attends the chapel there, 9810–9815——Outline of the address of the Rev. Peter Conway from the altar of the chapel, after the conclusion of mass, on Sunday the 5th of April, relative to the election, 9816–9850. 10016–10071. 10302–10315——Before directly addressing the congregation Mr. Conway read a pastoral from Archbishop M'Hale, inculcating peace at the election; this was read from a printed document after mass was over, 9821–9824. 9999–10008. 10362–10365.

To the best of witness's recollection Mr. Conway never said, on the 5th of April, Colonel Higgins was a "consummate scoundrel," &c. or that "the curse of God would follow every man who voted for him," 9827–9838. 10041–10061——Remarks by Mr. Conway in favour of the people keeping the peace, 9824–9826. 9845, 9846——Witness has a strong aversion to altar denunciations, having once been denounced himself; he therefore paid the greater attention to what Mr. Conway said, 9847–9849. 10247–10250. 10296–10301.

Address subsequently on Sunday, by Mr. Conway, from the windows of Gildea's hotel; examination as to his remarks on this occasion, 9853–9859. 10072–10108. 10316–10321——Witness saw the conclusion of the occurrences on Sunday evening in the lane leading to Monahan's hotel yard; he did not see any violence used towards Colonel Higgins's voters, 9860–9887——Mr. Conway seemed to be talking in a heated manner to Mr. Bourke and others; this was at the time that Mr. Bourke gave up his pistols, 9868–9871. 10072–10075. 10109. 10125. 10132–10154. 10337–10342.

Witness was about the streets on Monday, and voted on that day for Mr. Moore and Captain Palmer, 9887–9895——Monday was market-day, on which day Ballinrobe is always much crowded, 9892, 9893——Witness proposed Mr. Moore at the nomination, 9896——There was much hooting and shouting at Ballinrobe on Monday, but witness saw no acts of violence, 9897–9900——On Tuesday morning witness left Ballinrobe for the country, to bring in an English tenant to vote; it was perfectly quiet all about Ballinrobe, 9901–9905. 10184–10188. 10356——Statement as to Mr. Courtenay Kenny having very unnecessarily ordered the troops to clear the streets on Tuesday, 9906–9914.

On Tuesday witness saw Mr. Valentine Blake, Mr. Tighe, and other supporters of Colonel Higgins in the streets without any escort, 9915–9931. 10167–10183. 10343–10352——Witness saw the mob hooting at young Mr. Bourke, and heard the latter hoot

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Martyn, Jeffrey. (Analysis of his Evidence)—*continued.*

hoot at them in return, 9932-9936——Quiet state of the town on Tuesday when the poll was adjourned, 9937-9943.

Circumstance of Mr. Sharkey, the deputy sheriff, having, when passing Gildea's hotel, after the close of the poll on Wednesday, held up the poll-books, and tapped them with his hand; witness did not hear him say anything as he did so, 9944-9962. 10204-10219——As Mr. Sharkey passed, Mr. Moore said something about his tampering with the poll-books, 9956-9961. 10209-10217——No stones were thrown at Mr. Sharkie on this occasion, 9963-9972. 10220-10227. 10357-10361.

Witness has seen all the contested elections in Mayo for the last twenty-five years, but never saw a quieter one than the last, 9973, 9974.

Explanation as to witness having said, when nominating Mr. Moore, that the Archbishop of Tuam intended to nominate him, but not being on the registry of voters, could not do so, 9975-9982. 10375, 10376——Witness was only asked to propose Mr. Moore about half an hour before the nomination, when Mr. Moore and Mr. Conway came to his house for the purpose, 9983-9987. 10366-10376. The Archbishop came to Castebar on the day of the nomination, accompanied by a priest, 9988-9992.

With regard to Mr. Conway, he is now in London, 9993-9998——The chapel of Ballinrobe was very full when Mr. Conway made the address about the election, 10009-10015——Mr. Conway is, in witness's opinion, a hot-headed and excitable person, 10072-10075——Witness did not hear Mr. Conway say, when addressing the people from Gildea's hotel on Sunday, that he wanted 100 men to meet him in a short time, 10081-10086. 10104-10106——After the speech at the hotel, witness saw Mr. Conway on horseback galloping towards the lane where the Claremorris voters were expected to come in, 10110-10123.

Further examination as to the proceedings in the lane and the conduct of Mr. Conway; Witness did not see him on the wall, 10124-10157. 10330-10342——Circumstance of peace having been restored on Sunday evening, about the time that Mr. Conway started on horseback for the Neale road, 10158-10166. 10327-10329——Witness cannot swear that he saw any voter of Colonel Higgins's go to the poll unescorted, 10175-10183——Doubt as to any of Colonel Higgins's voters having come into Ballinrobe or left it without escorts, 10188-10203.

Circumstances of Mr. Moore in addressing the people on Wednesday, the 8th April, having first asked where Father Conway was; Mr. Conway subsequently joined the people 10228-10242——On Sundays previous to the 5th April witness heard Mr. Conway speak from the altar about the election, and in disapproval of Colonel Higgins, 10243-10260.

Since the election witness has heard Mr. Conway read Colonel Higgins's petition from the altar of Ballinrobe chapel, 10261-10274——A subscription was made for Mr. Conway, relative to the petition or election; witness did not subscribe to it, 10275-10281, 10285-10293——The Moore indemnity fund, to which witness has subscribed, is distinct from the subscription for Mr. Conway, 10282-10284. 10291, 10292.

About the same time that Mr. Conway addressed the people on Sunday from Gildea's hotel witness addressed them, telling them to behave peaceably during the election, and not to remain in the town, 10317-10325——Whenever the elections for Mayo have been contested there have always been escorts for the unpopular party, 10354, 10355.

Military. Practice at previous elections for Mayo to call out the military, *Ruttledge* 296-307; *O'Connor* 1321-1326——Circumstance of witness having ordered two dragoons to draw their swords at Ballinrobe; the officer in command did not at once order them to put their swords into the scabbard again, *Ruttledge* 357-365. 387.——Mode of employment of the military at Ballinrobe during the election; they were previously stationed near the town, *O'Connor* 1327-1340——The military at Ballinrobe were not out so early as ten o'clock on Sunday, *Griffin* 2135-2137——The military were brought to Swinford the Saturday before the election, *M'Manus* 3587-3593——Necessary employment of military at the election for Mayo in 1852, for the protection of the voters of Colonel M'Alpine, *Lavin* 3984-4003.

Both infantry and dragoons were placed at witness's disposal at Swinford; names of the officers, *Curran* 4278. 4328, 4329——It is a common practice to send militaryto contested elections in Ireland, *ib.* 4326, 4327——Both military and constabulary are almost always employed in contested elections in Ireland, *Montgomery* 4820-4824. 4844-4846——Mention of the troops in Castlebar, and the officers in command, *ib.* 4838-1843——Instance of the military clearing the streets at Ballinrobe on the Tuesday. *Sharkey* 5243-5247.

Troops were sent to Ballinrobe before the election; this has been done at former elections, *Knox* 6973-6976——Statement by Mr. Sharkey, in regard to the charge of the troops at Ballinrobe falling upon Mr. Shiel or on Mr. Arabin, *ib.* 7076-7080——On Monday witness saw the dragoons under charge of Mr. Shiel, the magistrate, clearing the street at Ballinrobe, for which there appeared no necessity whatever, *ib.* 7017-7028. 7195-7199.

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Military—continued.

Military and police are always present at the Mayo elections, *Sir R. Bloss* 7320–7322——Statement as to the troops having, by orders from Mr. Courtenay Kenny, on Tuesday, charged up and down the streets of Ballinrobe, without any reason for their doing so, or the occurrence of any violence to justify it, *ib.* 7414–7446.

Statement as to the troops having altogether unnecessarily cleared the streets about the middle of the day on Monday; Mr. Shiel, the magistrate in charge, told witness he did so by order of the sheriff, but that he saw no necessity for it, *Hon. J. Brown* 7679–7691. 7702–7715——Comment on the circumstance of Mr. Courtenay Kenny having ordered the troops to clear the streets on Tuesday; there was nothing to require such proceeding, which was probably done for purposes of petition, *ib.* 7736–7744——Less quiet at Ballinrobe but for the military, *ib.* 7841–7843.

Military and police have always been at every Mayo election since 1825, *J. Jordan* 8140–8149——Comment on the circumstance of the troops having been ordered to clear the streets of Swinford on Monday; it was a very unnecessary proceeding, *Creagh* 9399–9425——The town of Ballinrobe was full of soldiers, who constantly cleared the streets, *Welch* 10816–10819.

Witness is colonel of the First Royals, *Wardlaw* 10377.——Was sent from Dublin to Castlebar before the late election; arrived there on the 30th of March, *ib.* 10378, 10379——Had six troops of dragoons dispersed throughout the country, but only two of them at Castlebar, *ib.* 10380–10382——Statement as to witness having, at the request of the high sheriff, sent a reinforcement of dragoons from Castlebar to Ballinrobe, on Tuesday evening and Wednesday morning, the 7th and 8th of April, *ib.* 10388–10391. 10440–10452. 10499, 10500——None of witness's regiment were hurt during the election; a helmet was broken by a stone, when an escort was going into Ballinrobe, *ib.* 10512–10514.

See also *Ballinrobe*, I. 3. II. 3. *Escort of Voters. Kenny, Courtenay. Magistrates.*

Mobsmen. Witness is a miller at Castlebar; is not an elector, *Hanley* 11698, 11699——Particulars as to witness, and about twenty others, having been hired on behalf of Colonel Higgins by Mr. William Malley, deputy sheriff of Castlebar, through Thomas Comer, the sheriff's bailiff; this was on Tuesday before the nomination, *ib.* 11700–11728——Money received by witness and the others at different times from Comer, to whom it was given by Mr. Malley, *ib.* 11716–11719. 11728–11730. 11802–11825. 12173–12176——Practice of witness to get drunk whenever he received money; general character of witness hereon, *ib.* 11720–11737. 11829 *et seq.*

Statement that on the day before the nomination witness, and about twenty others, hired men, were employed in shouting for Colonel Higgins, *Hanley* 11739–11757. 12190–12200——Collision between witness's party and the people of the town, on Tuesday; it was not the fault of the latter, *ib.* 11758–11765. 12115–12122. 12138–12167. 12206——On this occasion witness, who was drunk, was knocked down; he subsequently, by direction of the sheriff, swore informations against two men, who, in return, laid informations against him, *ib.* 11766–11776. 12162–12167. 12201, 12202——On the day of the nomination witness, as directed by Mr. Malley, went to the court-house to shout when Mr. Moore or Captain Palmer spoke, unless Colonel Higgins was not interrupted in speaking; his services were not required on this occasion, *ib.* 11777–11800. 11826–11818——Witness has recovered, altogether, 22*s.*, and 18*s.* more is due to him, as he was hired for eight days, at 5*s.* a day, *ib.* 11817–11825. 12288–12294——When in the court-house witness was never sober, but he was not drunk that day, *ib.* 11827, 11828. 12123–12137.

Examination as to the proceedings of witness since his arrival in London, more especially as to the persons with whom he has communicated, and as to his practice in spending his money in drink, *Hanley* 11829 *et seq.* 12274–12277——Money given to witness on his way to London, and since his arrival, by Mr. Armstrong of Castlebar, *ib.* 11851–11859. 11915–11631. 11966, 11967——Persons who accompanied witness from Castlebar, *ib.* 11970–11986. 12272, 12273——Nothing was said to witness during the journey as to his evidence before the Committee, *ib.* 11987–12005——Witness never said, before leaving Castlebar, that he would "do the business," or "clinch the case," *ib.* 12006–12020——He heard nothing directly of his coming as a witness till shortly before he started, though there was some rumour on the subject; he had said nothing to any of Mr. Moore's party as a reason for their bringing him, *ib.* 12021–12045. 12096. 12268–12271.

Examination as to witness having asked forgiveness of the priest at Castlebar convent for having been a Higgins man, and for getting drunk; this was about a month after the election, and immediately after the reverend mother at the convent had administered the pledge to him, and advised him to confess, *Hanley* 12045–12114. 12219–12267. 12285–12287——Witness and the other men were employed and paid merely to shout on the day of nomination; it was not for the purpose of protecting Colonel Higgins's voters, *ib.* 12179–12184. 12203–12207. 12288–12295——Statement by witness, on the occasion of his being examined at Castlebar relative to the information before alluded to, relative to his

Report, 1857—*continued.*

Mobsmen—continued.

his having been paid by Mr. Malley to shout, *Hanley* 12208–12218——Before the election witness had some money from Neill Golonaugh, a supporter of Moore and Palmer; he never had any money from Lewis O'Donnell, *ib.* 12278–12284.

Monahan's Hotel (*Ballinrobe*). Witness and his voters were at Monahan's hotel, *French* 1074–1076——Different persons seen by witness at Monahan's hotel; it was the head-quarters of Colonel Higgins' voters, and was constantly surrounded by the mob, who kept the people inside in a very excited state, *ib.* 1077–1095. 1121–1126.

Witness had taken the hotel for the voters of Colonel Higgins, *Griffin* 2125——Doubt as to the number of voters of Colonel Higgins assembled at any time at the hotel, *ib.* 2185–2189——Absolute necessity of the hotel as a place of refuge for Colonel Higgins's voters, *ib.* 2250, 2251.

Montgomery, Andrew Castle. (Analysis of his Evidence.)—Stipendiary magistrate at Ballisnasloe, Galway; was moved to Castlebar, on temporary duty, on the 26th March, 4742–4745. 4789–4791——On the day before the nomination, witness saw the Rev. Mr. Curley, at the head of about 200 persons, walking up and down opposite Messrs. Moore and Palmer's committee-room, 4746–4764. 4792——During the election, application was made to witness for a warrant against Mr. Curley; but he objected to grant it, through fear of greater excitement, 4765–4769.

Explanation of the circumstances under which the high sheriff brought some voters under escort from Westport to Castlebar, 4770–4776. 4784. 4801–4814. 4847–4849——Excitement of the people in Castlebar on the arrival of the Westport voters, 4777–4783——As these voters passed into the court-house, the Rev. Mr. Ryan went near them and called them traitors, 4780, 4781. 4785–4788——Necessity of an escort for the protection of these voters from Westport, 4782–4784. 4813, 4814.

The high sheriff was in Castlebar daily, from the nomination till the close of the poll, 4799, 4800——Witness does not know how the Westport voters polled, nor whether the high sheriff entered the booth with them, 4815–4819——Both military and constabulary are almost always employed at contested elections in Ireland, 4820–4824. 4844–4846——Witness was chiefly at the court-house during the polling, 4825–4827——Impression that witness saw a committee-room placarded as belonging to Messrs. Moore and Palmer, 4828–4837——Mention of the troops in Castlebar and the officers in command, 4838–4843.

Moore, George Henry (*Member of The House.*) (Analysis of his Evidence.)—Resides at Moore Hall, Mayo; has a considerable landed estate there, 13026–13029——First stood for the county in 1845; 13030——Was on that occasion opposed by the Roman-catholic clergy, but contested the election to the last, and was only beaten by a small majority 13031. 13036——Was continually subject to groans and hisses, but was not in any way actually molested, 13031, 13032——The noise and uproar were incomparably greater at each of the three elections preceding the last than at the last, 13033–13035.

At the general election subsequently to 1845, witness again contested the county, and though he had not modified his opinions in any way, was returned almost unanimously, and without the influence of the Catholic clergy, 13037–13042——In 1850, Colonel Higgins first came forward for the county; he was supported by witness, and was returned, almost exclusively, upon the interest of the clergy, 13043–13045——At the election of 1852, Colonel Higgins was returned on certain political principles solemnly undertaken by him, which principles he has since perfidiously violated, and hence his unpopularity in the county of Mayo, 13046–13066.

Comment upon the partial course adopted by the high sheriff, Colonel Higgins's father, in appointing deputy sheriffs at the late election; they were selected from the most unscrupulous partisans of Colonel Higgins, 13067–13071. 13136——Comment upon the composition of Colonel Higgins's provisional committee, 13070——As regards the deputy sheriffs, the appointment of Mr. Sharkey was the worst of all, 13071. 13136——Witness had reasons, before the election, for forming a very low opinion of Mr. Sharkey, 13071. 13166, 13167.

With reference to certain extracts from speeches said to have been made by witness at Louisburgh and Castlebar, he states that he never made any such speeches at all, 13072–13075——He is entirely opposed to the doctrine attributed to him, that the Roman-catholic clergy should have the exclusive direction of the franchise as exercised by the lay members of their body, 13075.

Witness felt so confident of success at the last election that he did not issue any address to the constituency, and did not arrive in Mayo till four days before the nomination, 13076–13079——Reference to the entry of witness into Castlebar on Monday the 30th March, and to his address to the people from the house of Dr. M'Greal, 13078–13083——Impression that on this occasion several of Colonel Higgins's supporters were walking about without any molestation, 13083, 13084——Colonel Higgins's hotel and committee-room were covered with inscriptions, 13083–13086——There was no disturbance, and the people appeared to be in perfect good-humour, 13084, 13085.

Report, 1857—*continued.*

Moore, George Henry (*Member of The House*). (Analysis of his Evidence)—*continued.*

Neither in Castlebar nor elsewhere had witness any committee-room, or any committee, 13087-13090. 13093, 13094. 13160——Instance of the good-humour of the people addressed by witness at Keltimagh, on Tuesday the 31st March, 13090–13092——Reference to the entry of witness into Swinford on Tuesday, and to his address to the people from the house of one of his supporters, 13092–13096——Explanation relative to the conversation between Mr. Curran and witness in Swinford; misrepresentation by Mr. Curran of witness's conduct on this occasion, 13096.

As regards the reported flogging of the people in Swinford by the Rev. Mr. Ivers, witness saw nothing of it, 13096——On the whole, there was no angry demonstration by the people at Swinford, 13096-13099——A jug of water was thrown from Colonel Higgins's hotel at witness, but it did not provoke any one, 13098——Explanation of the circumstances under which witness bailed two men committed to prison by Mr. Curran, 13103.

On Wednesday the 1st April witness went from Swinford to Claremorris, and on his way thither, as well as at Claremorris, impressed upon the people the importance of abstaining from acts of violence or insubordination, 13104–13106——On Thursday witness went to Ballinrobe and found the town perfectly quiet, 13106–13109——Explanation as to witness having stayed with the Rev. Mr. Conway when at Ballinrobe, 13110——Friendship between Mr. Conway and witness; it dates from the time of the famine, when Mr. Conway was extremely zealous, and saved the lives of many people, 13110–13112.

Indirect support given to witness by Colonel Knox, who owns the town of Ballinrobe, 13113, 13114*——Nominal character of witness's canvass in Ballinrobe, 13114*——Witness was accompanied by Mr. Conway in this canvass, 13114*——Explanation of the circumstances under which Mr. Conway went with witness in his carriage to Castlebar on the day of nomination, 13114*, 13115. 13117——Witness's address to the people in Ballinrobe consisted chiefly of exhortations to keep the peace, 13115, 13116.

Statement as to witness having been suddenly called upon on the day of nomination to lodge 200*l.* in money in the hands of the sub-sheriff; this unlooked-for requirement had nearly proved fatal to his election, 13117–13125——During the nomination witness sat next Captain Palmer and not next Mr. Conway, 13126, 13127——Witness had very little communication in any way with Mr. Conway during the election; less so, in fact, than with almost every other influential elector who supported him, 13128.

On the evening of the nomination witness went from Castlebar to Erris, and thence on the following morning to Belmullet, where he addressed the people and canvassed the town, 13129–13131——Inaccuracy of a statement by Mr. James, in his opening speech, in regard to witness having held out a certain inducement to a voter at Belmullet, of the name of Ryley, to support Captain Palmer, 13131——Witness has never yet been asked by any elector of Mayo for a consideration for his vote, 13132.

On Saturday evening witness went to Mr. Madden's, of Ballycastle, who said that he had already partially promised to support the other candidates, but that he would support witness; which eventually he did not do, 13133.

On Sunday witness was at Ballina and addressed the people; the town was perfectly peaceable, 13133——On Monday morning was for some time in Ballina polling-booth, where Mr. Edward M'Donnell, of Caher, was deputy sheriff, 13134, 13135——Of all Colonel Higgins's supporters, Mr. M'Donnell was perhaps the most unscrupulous, 13136–13139——Refusal of an application by witness's agent for two booths in Ballina, where the voters were very numerous, 13140–13144——Unfair conduct of the polling in the booth; many voters of Tyrawley barony had not time to poll, 13146, 13147.

Witness arrived at Swinford, from Ballina, at the close of the first day's polling, 13147–13149——He addressed the people, and found them throughout the evening particularly quiet and peaceable, 13150, 13151. 13153, 13154——Whilst witness was speaking a large body of police came suddenly down the street, and the people fled in great affright, 13151——Witness heard that the proceedings of the police, as ordered by Mr. Curran, had previously been of a very unwarrantable kind, 13152, 13153.——Remarks of witness to the police officer on the occasion alluded to, 13153.

On the second day of polling witness left Swinford for Castlebar, and at the close of the poll addressed the people from Armstrong's hotel, 13157–13160——In consequence of information of some proceedings at Ballinrobe relative to Mr. Conway, witness left Castlebar on Tuesday evening, and arrived in Ballinrobe before the close of the adjourned poll there on Wednesday, 13158–13163——Witness addressed the people at the close of the poll, and, having heard that Mr. Conway was in dread of arrest, and was absent, asked the people, in a bantering tone, where he was, 13165.

Whilst witness was commenting upon the manner in which the proceedings at Ballina had been conducted, Mr. Sharkey came from the booth, escorted by dragoons, and with the polling-books in his hand, 13165–13167——He held up the poll-books, tapped upon them several times, and pointed to witness, 13167——He never uttered one word of the admonitory address given in his evidence, 13167——Witness remarked as he passed that he

was

Report, 1857—*continued.*

Moore, George Henry (*Member of The House.*) (Analysis of his Evidence)—continued.

was capable of falsifying the books, but warned him on the subject, 13167——It is quite untrue that a shower of stones were thrown at Mr. Sharkey, 13167, 13168.

Circumstance of Colonel Higgins having, on the day before the declaration of the poll at Castlebar, applied through his agent to have some 100 votes struck off the poll, 13169——This application was seriously entertained by the high sheriff, 13169——Comment upon a remark by the assessor with reference to the high sheriff, reserving his future proceedings for a petition to the House of Commons, 13169.

Irrespective of the collections at chapels, the subscriptions by laymen in regard to the defence of witness's election are equal to the subscriptions by the clergy, 13170, 13171——Statement to the effect that the priests were not in any way employed by witness in the business or conduct of the election; save upon one occasion, witness had no previous communication with them on the subject of the election, 13172.

With regard to some reflections in witness's evidence upon the political conduct of Colonel Higgins, he explains that these had no reference whatever to his private or personal character, 13172.

Moore, Mr. Resolution of the Committee that George Henty Moore was, by his agents, guilty of undue influence at the last election for the county of Mayo, *p.* 466.

Resolution, that George Henry Moore is not duly elected a knight of the shire to serve in the present Parliament for the county of Mayo, *p.* 466.

Resolution, that the last election for the said county, so far as regards the return of the said George Henry Moore, is a void election, *p.* 466.

Resolution, that it does not appear that the said George Henry Moore personally sanctioned, or was cognizant of, the said undue influence and spiritual intimidation, *p.* 466.

Moore Indemnity Fund. Witness has subscribed 10 *l.* to the Moore indemnity fund for the defence of the election, *Archbishop M'Hale* 6681–6683——At his visitations he has recommended the clergy to subscribe to the fund, *ib.* 6684–6689——Laymen have doubtless subscribed, though witness cannot recollect the name of any, *ib.* 6690–6695.

The Moore indemnity fund, to which witness has subscribed, is distinct from the subscription for Mr. Conway, *Martyn* 10282–10284. 10291, 10292——Witness and several others have collected at the chapel door for the Moore fund, and have subscribed to it, *Welch* 10860–10874——Witness gave something on Sunday the 28th June to the Moore indemnity fund; no address was then made in his chapel about the petition, nor was the petition read, *Fleming* 11138–11153——Witness does not know of any subscription having been made at Castlebar chapel for the Moore indemnity fund, *Armstrong* 12417–12423. 12449, 12450——A subscription has been spoken of to witness, and he has said he would give a pound to it, *ib.* 12423–12433.

Irrespective of the collections at chapels, the subscriptions by laymen in regard to the defence of witness's election are equal to the subscriptions of the clergy, *Moore* 13170–13171.

Moran, James. (Analysis of his Evidence.)—Freeholder at Ballymacgibbon, 2256–2259——On Sunday the 5th of April was going into Ballinrobe under escourt, on one of Colonel Higgin's cars, together with Mark M'Tighe, Michel Laughan, and Pat Conry, all intending to vote for Colonel Higgins, 2260–2270——On approaching Ballinrobe, a large crowd appeared, with the Rev. Mr. Conway among them, 2271–2285.

Remark of Mr. Conway, that three or four men had been killed in Ballinrobe, 2284–2288. 2523. 2546. 2629–2633——Witness was much frightened, and ran away across the fields, but was pursued by some of the mob with stones in their hands, captured, and brought back to the road, 2290–2309. 2315. 2319–2326. 2381–2406. 2497, 2498. 2510–2525. 2545–2552. 2628–2633——Before witness ran away, Mr. Conway asked him his name, and then referred to a list or paper; he also asked the other voters their names, 2297–2310. 2301–2318.

Witness and some other supporters of Colonel Higgins were then put on a car and taken by the mob and Mr. Conway into Cong, and locked up, together with other voters, in Volkinburn's hotel there, 2327–2357. 2379, 2380. 2415–2417. 2554–2556. 2610——Circumstance of witness during the proceedings on the road having seen Mr. Burke, of Ower, and his son, with the mob, and Mr. Conway close to them; Mr. Burke, the elder, said that he was obliged by the mob to swear that he would not vote for Colonel Higgins, 2350, 2351. 2393, 2394. 2523. 2526–2539. 2545.

Conduct of Mr. Conway and the mob towards witness and the other voters, with a view to their supporting Moore and Palmer, 2358–2378. 2476–2482. 2627——On Monday morning Mr. Conway and the mob brought witness and the other voters from Cong to Ballinrobe, to Gildea's hotel, where they were kept until about four o'clock, when Mr. Conway took witness and Laughan to the court-house, but the poll was closed for the day, 2372–2378. 2408–2439——Explanation as to witness having run from the mob

Report, 1857—*continued.*

Moran, James. (Analysis of his Evidence)—continued.

on the Sunday, notwithstanding that the voters were under an escort of dragoons; interference of the latter in the matter, 2381–2407. 2510–2525. 2541–2544.

Statement as to Laughan and witness having, by Mr. Conway's directions, been taken by the mob to his house on Monday afternoon, to remain there till Tuesday morning; threats held out to them on this occasion, 2440–2463. 2611, 2612——Particulars as to Laughan and witness having, contrary to Mr. Conway's directions, left his house on Tuesday morning and gone up to the hall with some other voters, under escort, 2464–2473. 2559–2583. 2613–2625——Witness then voted for Moore and Higgins; he would assuredly have plumped for Higgins had he not been greatly intimidated by the mob, 2474–2482. 2497, 2498. 2594–2600. 2607–2609. 2626–2633.

Witness is well known in Ballinrobe, but is now afraid of his life to enter the place, 2483–2485——Since he has been served with the Speaker's warrant he has been severely beaten in Ballinrobe; the parties who beat him are committed for trial at the Castlebar assizes, 2483–2499——Witness never voted at any former election, 2500–2503. 2601–2606.

Mr. Strickland, the agent for Mr. Baker, witness's landlord, was not with witness on the Sunday; he has not since the election spoken to him about the way he voted, 2504–2509. 2584–2593——Witness has told Mr. Thomas Gray, the bailiff of Mr. Baker, that he did not plump for Colonel Higgins through fear of the mob, 2594–2597——Witness is a Roman-catholic, 2598.

Mulcree, ——. Reference to an elector named Mulcree as having been spoken to by the Rev. Mr. Prendergast about his vote and taken to Mr. Prendergast's house, *Brennan* 4061–4064. 4142–4149——Mulcree is bailiff to Mr. Robert Ruttledge; he voted for Moore and Palmer, but had not said anything to witness about the way he should vote, *ib.* 4158–4161. 4196–4208.

Mulligan, William. (Analysis of his Evidence.)—Distributor of stamps at Swinford, 9441, 9442——Particulars as to Captain Brabazon (who was appointed deputy sheriff on the 4th of April), who is witness's landlord, having written to him on the 5th of April, and having also spoken to him on the 5th and 6th of April, with a view to his voting for Colonel Higgins, 9443–9468——Witness did not vote at all, on account of the penalty to which, as stamp distributor, his so doing would have subjected him, 9457–9464.

Murrisk Barony. Very full polling of the voters of Murrisk barony on the first day of polling at Westport, *Lord J. Browne* 9504–9506. 9566–9568.

Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in this barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

N.

Naylor, James Richard. (Analysis of his Evidence.)—Attends from the Crown Office, 1——Produces the writ and return for the last election for the county of Mayo, 2, 3——Reads the return, which is dated 10th April, and shows the number of votes polled respectively for Messrs. Palmer, Moore, and Lieutenant-colonel Higgins, 4–7.

Newport Voters. See *Undue Influence*, 6.

Nicholas, Rev. Mr. The Rev. Mr. Nicholas is the parish priest of Bohola, *M'Manus* 3424——During the address of Mr. Halligan, the curate, on Sunday the 29th March, about the election, Mr. Nicholas was present, *M'Manus* 3643; *Lavin* 3776, 3777——Violent language used by the Rev. Mr. Nicholas, of Bohola, towards witness and some tenants of Mr. Taafe, who were being kept out of the way of the priests, in his house, on the 4th April, and were going to vote for Colonel Higgins, *Lavin* 3818–3830. 3913, 3914. 4006, 4007. 4014.

Nomination. Witness was present at the nomination, which took place at Castlebar about eleven in the morning of Friday the 3d of April, *Ruttledge* 27–29. 31——Mr. Moore and the Rev. Mr. Conway, Roman-catholic priest, drove in to the nomination together, *ib.* 30–33——Dr. M'Hale was at the nomination, accompanied by several priests, *ib.* 34–43——Dr. M'Hale did not go into the court-house on the day of nomination, *ib.* 277–280.

Before the nomination witness saw Colonel Higgins at his committee-room, and during the nomination was in that part of the court-house where his friends were, *Sharkey* 5299–5306——Separate places in the court-house were assigned to the friends of the opposing candidates, *ib.* 5307–5311——When Colonel Higgins spoke, witness occasionally applauded; and when Captain Palmer spoke, occasionally expressed his dissent, *ib.* 5312–5328——Subsequently to the nomination witness was at Colonel Higgins's room, but did not go in the evening to the house of Colonel Higgins and his father, *ib.* 5329–5335.

Reference

Report, 1857—*continued.*

Nomination—continued.

Reference to the speeches made by witness, Dean Burke, and Captain Brabazon, as supporters of Colonel Higgins, *Sir R. O'Donnell* 6109–6120——Mention of several of Colonel Higgins's in the court-house at the nomination, *ib.* 6121–6139—— Occasional cheering during the speeches of Colonel Higgins's friends, *ib.* 6140–6142—— Place occupied by Mr. Moore in the court-house when he made a speech to the electors, *ib.* 6144–6147.

Mr. Jeffrey Martyn, in proposing Mr. Moore at the nomination, said, that the Archbishop of Tuam would have done so only that as a non-elector he could not do so, *Sir R. O'Donnell* 6285.

Witness had intended to nominate Mr. Moore, but had been told some days previously that not being an elector he had no right to do so, *Archbishop M'Hale,* 6518–6528. 6537–6540——Witness was neither on the hustings nor in the court-house on the day of nomination, *ib.* 6529. 6800, 6801——He stayed at the house of the Rev. Mr. Hosty, *ib.* 6530–6532——He was accompanied from Tuam by the Rev. Mr. Conry, 6535. 6536——He saw Mr. Moore on the day of nomination; several priests present, *ib.* 6541–6553——Witness does not recollect having gone to Armstrong's hotel when in Castlebar at the nomination, *ib.* 6581–6585——Remarks in justification of witness's intention to have proposed Mr. Moore, *ib.* 6786–6790.

Witness proposed Mr. Moore at the nomination, *Martyn* 9896——Explanation as to witness having said, when nominating Mr. Moore, that the Archbishop of Tuam intended to nominate him, but not being on the registry of voters could not do so, *ib.* 9975–9982. 10375, 10376——Witness was only asked to propose Mr. Moore about half an hour before the nomination, when Mr. Moore and Mr. Conway came to his house for that purpose, *ib.* 9983–9987. 10366–10376——The Archbishop came to Castlebar on the day of the nomination, accompanied by a priest, *ib.* 9988–9992.

Very active and prominent part taken at the nomination by Mr. Sharkie in behalf of Colonel Higgins, *Lord J. Browne* 9486–9490——Violent and improper conduct of Mr. Sharkie, *M'Greal* 11350–11358. 11695——Circumstance of witness, when at the nomination, having been addressed in very strong language by Sir Richard O'Donnell, and told to keep quiet; he was at the time far more quiet than Sir Richard himself, *O'Donnell* 12584–12591. 12608–12612.

Statement as to witness having been suddenly called upon on the day of nomination to lodge 200 *l.* in money in the hands of the sub-sheriff; this unlooked-for requirement had nearly proved fatal to his election, *Moore* 13117–13125——During the nomination witness sat next Captain Palmer and not next Mr. Conway, *ib.* 13126, 13127.

See also *Castlebar. Mobsmen.*

O.

O'Connell, John. (Analysis of his Evidence.)—Is Clerk of the Crown and Hanaper Office in Ireland, 8——Produces the poll-books for the last election for the county of Mayo; they are nine in number and are in the same state as when received in the Hanaper Office, 9–16.

O'Connor, William Feron. (Analysis of his Evidence.)—Head constable in charge of the police at Ballinrobe; is a Roman-catholic, 1212–1214——On Sunday the 5th April and following days had the charge of Monahan's hotel, where Colonel Higgins's supporters were; orders to which he was subject, 1215–1218. 1259, 1276. 1276–1286——There was a very excited mob about the lane leading to the back of the hotel, 1219–1221——Witness saw several stones thrown by this mob, 1222——He saw Father Conway addressing the people from a wall skirting the lane, but did not hear what he said, 1223–1229. 1301, 1302. 1305–1309.

Witness subsequently heard Mr. Conway speaking in the street, when, among other things, he said, "That son of Isidore Bourke deserves to be hanged," 1230–1234. 1310–1313——Particulars as to witness having gone with some police on Sunday night to escort voters from Kilmaine, and having brought them to Ballinrobe by a circuitous route; one voter, however, was so afraid that he would not come, 1239–1255. 1314–1320.

Witness never saw such excitement at any other election, 1256–1258. 1352, 1353—— Witness thought it necessary at one time to make the police fix bayonets, but shortly afterwards Sub-inspector Maguire told them to unfix bayonets, 1262. 1341–1307—— Dirt was thrown at Colonel Higgins and Mr. Bourke; and the Colonel required a large escort wherever he went, 1263–1265——Witness saw the placard headed "Men of Mayo," and signed by Dr. M'Hale and three bishops, posted on the court-house door, 1266–1269——Father Conway and other priests were very active in bringing electors to the poll, 1270–1274——On Wednesday morning witness saw several placards about, signed "P. Conway," with reference to the presence of freeholders in the streets, 1275.

Report, 1857—*continued.*

O'Connor, William Feron—(Analysis of his Evidence)—*continued.*

Monahan's hotel and Gildea's hotel are on a line, a lane intervening, 1288——Position of witness and the police with reference to the hotels, 1288. 1295, 1296——Witness did not see Mr. Bourke arrive with his voters, nor threaten to use a pistol against the mob, nor did he hear the crowd subsequently complain on the subject, 1292–1304. 1348–1352——With regard to former elections, witness has seen military employed at Sligo, 1321–1326——Mode of employment of the military at Ballinrobe during the election; they were previously stationed near the town, 1327–1340——The police are prohibited from voting at elections, 1354.

O'Donnell, Charles. Reference to an elector of the name of Charles O'Donnell, who voted for Colonel Higgins at Swinford, though his nearer district was another polling place, *M'Manus* 3536–3548. 3554.

O'Donnell, Francis. (Analysis of his Evidence.)—Lives at Dockmough, Mayo, 12451, 12452——Is clerk to Mr. Ormesley, agent of Sir Roger Palmer, 12453, 12454. 12457, 12459——Supported Mr. Moore and Captain Palmer at the late election, 12455, 12456 12460, 12461——There was no act of violence in Castlebar on the nomination day, 12462–12465——The last election was the quietest one witness ever saw, 12466–12469.

On Monday and Tuesday, the two polling days, witness was in the polling booth at Ballina, 12470–12476. 12480, 12481——There are 535 voters on the printed list for Tyrawley barony, Ballina, 12477–12479——Evidence as to the partial and unfair manner in which, as a supporter of Colonel Higgins, Mr. Edward P. M'Donnell, sheriff in the Ballina booth, conducted the proceedings on Monday the 6th April, 12482–12486, *et seq.* ——Dr. Burke acted as sheriff from ten o'clock on the second day, 12483–12485.

Statement as to the votes having been taken alphabetically instead of by tallies; doubt as to the arrangements entered into on this point by the agents of the candidates, 12493–12499. 12532–12561. 12592–12594——Comment on the conduct of Mr. M'Donnell in refusing the vote of one John M'Ivay towards the close of the poll; doubt whether all the other voters of Captain Palmer and Mr. Moore were polled, 12517–12529. 12536–12540. 12562–12565——Names of the agents at Ballina for the several candidates, 12547, 12548. 12615–12619.

Examination on the question as to a vote of thanks having been proposed for Mr. M'Donnell; at all events, a groan was proposed and given for Mr. M'Donnell, and a cheer for Dr. Burke, 12566–12585. 12600–12607——Circumstances of witness, when at the nomination, having been addressed in very strong language by Sir Richard O'Donnell, and told to keep quiet; he was at the time far more quiet than Sir Richard himself, 12584–12591. 12608–12612——At the election of 1852 witness supported Colonel M'Alpine, 12613, 12614.

O'Donnell, Rev. Mr. On Sunday the 29th March witness heard Mr. O'Donnell, the curate at Mace chapel, address the congregation in favour of the present members, *Bourke* 690–695.

O'Donnell, Sir Richard. (Analysis of his Evidence.)—Is one of the Deputy-Lieutenants of the county of Mayo; during Lord Lucan's absence in the Crimea acted as Lord Lieutenant of the county, 5559–5562——At the late election witness was chairman of Colonel Higgins's committee, so called; there was no regular committee, 5563–5566. 5615, 5616——From the 16th March till the election witness was busy in canvassing the county for Colonel Higgins, 5567–5569. 5577——All the Roman-catholic gentry, with the exception of two, supported Colonel Higgins, 5570–5575——He was also largely supported by the Protestant gentry and clergy, 5576. 5611–5613.

On the 17th March witness and Colonel Higgins went to Ballina to canvass, 5578 ——Ballina is the town of Tyrawley barony, in which there are more than 500 electors, and is the most important town in Mayo, 5579–5581. 5584——Excited state of the town when Colonel Higgins and witness went there to canvass; they were, in fact, obliged to leave the place without any proper canvass, 5582–5599. 5978–6012——Witness and Colonel Higgins subsequently canvassed Crossmolina, Killala, and other districts of Tyrawley, and got 140 promises, all of which were fulfilled, 5600–5613. 6013–6024.

On the 21st March Colonel Higgins, witness, and others canvassed the town of Castlebar, where there are between forty and fifty electors; over twenty-five promises were obtained, but only five or six eventually voted for Colonel Higgins, 5617–5624. 5937, 5938——Witness and Colonel Higgins were again near Ballina on the 23d March, but could not canvass the town on account of the excitement, 5626–5630——On the 31st March Colonel Higgins, witness, and others of his friends, were at Ballyhaunis, in the barony of Costello; prominent part taken by several priests in addressing a large crowd, and creating excitement against Colonel Higgins, so that he could not address the people, 5631–5663. 6025–6053. 6056–6060. 6282.

Prosecution of the canvass at Ballyhaderreen, barony of Costello, on the 1st April, where there were a good many voters assembled; undue interference of two priests on this

Report, 1857—*continued.*

O'Donnell, Sir Richard—(Analysis of his Evidence)—*continued.*

this occasion, when Colonel Higgins was addressing the people, 5664-5685. 6054, 6055. 6061–6070——Very excited state of the crowd in Castlebar on the 2d April, the day before the nomination, in consequence of the harangues of the priests, 5686–5725——Statement as to the violent conduct of the Rev. Mr. Curley on the 2d April; he headed the mob, with a breviary in his hand, and encouraged them to all kinds of violence towards Colonel Higgins' supporters, 5698–5722.

Circumstance of Mr. Curley being now in London, 5709–5711, witness felt it his duty on the 2d of April to offer to swear informations on which to arrest Mr. Curley, 5719, 5720——Witness, who is a magistrate, studiously avoided acting in any judicial way during the election, 5720. 6101–6106——Escorts were essential for Colonel Higgins and his friends in going about Castlebar, on the 2d April, 5722–5725.

Witness proposed, and Dean Burke seconded, Colonel Higgins at the nomination on the 3d April, 5725–5727——Dean Burke is an old friend of Colonel Higgins, and is almost the only Roman Catholic Clergyman in the county who supported him, 5728, 5729——Very conspicuous conduct of Mr. Curley at the nomination; he acted as a sort of fugleman to the crowd, 5730–5742.

Statement relative to four voters at Newport, who, on the day after the nomination, promised witness that they would vote for Colonel Higgins, but eventually voted for Moore and Palmer; after the election they told witness the reason of their doing so, 5743–5763——On Sunday the 5th April, witness was at Newport, and saw the Rev Mr. M'Evily address the voters about the election, 5764–5778——Witness saw the Rev. Mr. Ryan dispensing whiskey to the mob from a public-house in Newport, on Sunday the 5th April, 5779–5790. 6148–6154——The mob subsequently left the town, witness having addressed them, but Mr. Ryan remained behind, 5791–5796. 6155–6160.

Statement as to the object of Mr. Ryan in remaining in Newport, being to bring away some voters who had been left for safety in charge of witness's son, 5797–5807. 6286–6292——Number of voters on Sunday evening at the house of witness's son near Newport; they were there by their own wish, through fear of abduction on account of the altar denunciations of Mr. Ryan, 5798–5801. 6161–6171. 6286–6292——Active part taken by Mr. Ryan during the election in bringing up voters to the poll, at Castlebar, 5808–5813.

Reference to a placard, which was posted on Moore and Palmer's committee-room, at Armstrong's hotel, and in other parts of Castlebar, being resolutions of the clergy of the diocese of Tuam, in favour of the return of Mr. Moore, 5814–5822. 5827–5841——There were two committee-rooms, but they were both for Moore and Palmer, 5820, 5821——Mr. Moore did not seem to have any legal agent in bringing up voters at Castlebar, but the priests were the best agents he could have had, 5823–5826. 5900–5919——Grounds for the belief that the committee-room at Armstrong's hotel was jointly that of Mr. Moore and Mr. Palmer; statement by Mr. Griffin to a similar effect, 5865–5884. 5842–5864.

During the election witness saw Mr. Moore speaking from the hotel in which the placard referred to was posted, 5885–5899——As regards the state of the poll, 404 electors in the county did not vote at all, 5920–5922——Colonel Higgins polled 1,041 votes, or 128 fewer votes than Mr. Moore, 5923–5926——The promises for Colonel Higgins were over 1,200, or between 1,230 and 1,250; 5927–5935. 5943–5947——After the demonstrations on the part of the priests, and the excitement created in opposition to Colonel Higgins, and in favour of Mr. Moore, many who had promised to vote for the former supported the latter, 5936–5942.

Further reference to the voters at Castlebar, who promised to support Colonel Higgins, but did not do so; circumstance of these having been tenants of Lord Lucan, who was a friend of Captain Palmer's, 5948–5960——Place of meeting of Colonel Higgins' committee, at Castlebar; the first meeting was on the 20th March, 5961–5968——Names of some of the members of the (so-called) committee, 5969–5977——Further statement as to the conduct of Mr. Curley on the 2d April, more especially as regards his holding up his breviary to the people, 6071–6098——Excited state of the mob on this occasion, further adverted to, 6085–6097——There were police and military in the town at the time, 6099, 6100.

Reference to the speeches made by witness, Dean Burke and Captain Brabazon, as supporters of Colonel Higgins, on the day of nomination, 6109–6120——Mention of several of Colonel Higgins' friends in the court-house at the nomination, 6121–6139——Occasional cheering during the speeches of Colonel Higgins' friends, 6140–6142——Place occupied by Mr. Moore in the court-house when he made a speech to the electors, 6144–6147.

Witness was at his son's house on the Sunday evening when the Newport voters were there, 6172–6180——A voter named Frank Sweeny came to the house when witness was there; he appeared to be drunk, 6181–6188. 6191——He was not locked up in the house, 6189, 6190——Sweeny did not vote at all, 6193, 6194——Mr. Pike, a deputed magistrate, was in the house when Sweeny came, 6195, 6196——Sweeny asked for

Report, 1857—*continued.*

O'Donnell, Sir Richard—(Analysis of his Evidence)—*continued.*

some wine to drink Colonel Higgins' health, 6197-6199——Witness did not ask Sweeny to vote for Colonel Higgins, nor did Mr. Pike do so, 6199, 6200.

Witness's tenants include about fifty voters, who, with the exception of four or five, plumped for Colonel Higgins, 6205-6218——Doubt whether Mr. William Maley, of Turlow, the deputy sheriff at Carra booth, was one of Colonel Higgins' committee, 6220-6228——Further statement relative to the constitution and proceedings of Colonel Higgins' committee; documents emanating from the committee admitted to hereon, 6228-6266——Witness was chairman of all the local committees, and was especially active in the cause of Colonel Higgins, 6256, 6257. 6264-6266.

Active conduct of the priests in bringing up voters further adverted to, 6267-6272——Witness thanked those who voted for Colonel Higgins, and probably shook hands with them, 6273-6277——As regards the altar denunciations, witness, who is a Protestant, cannot speak directly on the subject, 6280-6284——Mr. Jeffery Martyn, in proposing Mr. Moore at the nomination, said that the Archbishop of Tuam would have done so, only that as a non-elector he could not do so, 6285.

O'Dowd, Patrick. (Analysis of his Evidence).—Shopkeeper at Swinford, 12620-12622——Voted for Moore and Palmer, 12623, 12624——Reference to a speech by Captain Brabazon before he was sworn in as deputy sheriff, 12625-12636——Castlebar was quiet on Monday the first day of polling, and there was no violence, 12637-12642——Witness saw one of Mr. Moore's voters, named Dunleary, dragged by several persons from a car to the court-house, 12643-12651——Attempted assault on witness on the evening of Monday; stones were previously thrown through his house, 12652-12664——On Sunday Mr. Strickland, Lord Dillon's agent, brought some voters into the town, 12663-12666.

O'Grady, Francis. Improper conduct of Mr. O'Grady, who is a magistrate, in regard to the voter, Michael Dunleary, *E. H. Jordan* 8927, 8928. 8933-8945.

O'Malley, George James. Mr. George O'Malley, magistrate at Swinford, canvassed for Colonel Higgins, and was on his committee, *M'Manus* 3571, 3572. 3696. 3699. 3762-3769——Improper conduct of Mr. O'Malley in regard to the voter, Michael Dunleary, *E. H. Jordan* 8925, 8926. 8933-8945.

P.

Palmer, Captain, M.P. Witness did not hear of any excitement at Ballinrobe with regard to Captain Palmer, *Prendergast* 574-580——Captain Palmer and Mr. Moore made one cause at the election, *Griffin* 1907.

Witness took an active part on behalf of Captain Palmer at the late election, and plumped for him, *Knox* 6971, 6972. 7112-7118——Captain Palmer had the support of the priests, but witness does not know that it was essential to his return, *ib.* 7180-7187——Circumstance of Archbishop M'Hale's support having been obtained for Captain Palmer, *ib.* 7214-7220——Captain Palmer's friends accepted Mr. Conway's support, but did not canvass him for it, *Sir R. Bloss* 7523-7525. 7612-7614——Witness took an active part at the election on behalf of Captain Palmer, *Lord J. Browne* 9470, 9471. 9518-9532.

See also *Interchange of Votes, or Combination of Candidates. Landlords.*

Partiality. see *Deputy-Sheriffs. Magistrates. Polling-booths and Polling.*

Pastoral Letter of Archbishop M'Hale. see *Roman-catholic Clergy*, I. 4.

Petition. Witness anticipated from the first that a petition was probable; strong swearing does a great deal, *Hon. J. Brown* 7772. 7864-7867.

Mr. Brown explains that in using the words "strong swearing does a great deal," he by no means referred to all the supporters of Colonel Higgins, *p.* 465.

PLACARDS:

1. *Placard prepared by Dr. M'Greal, purporting to embody a Resolution of the Bishops and Clergy of Tuam.*
2. *Placards emanating from the Party of Colonel Higgins.*

1. *Placard prepared by Dr. M'Greal, purporting to embody a Resolution of the Bishops and Clergy of Tuam:*

Witness saw the placard, headed "Men of Mayo," and comprising a resolution signed by Dr. M'Hale and three bishops, posted on the court-house door at Casttebar, *Ruttledge* 44-52; *O'Connor* 1266-1269——This placard delivered in; it purports to comprise a resolution of the bishops and clergy of Tuam in favour of the rejection of "Mr. Ouseley Higgins" and the return of Mr. Moore, *p.* 3——Reference to a placard which was posted in

Report, 1857—*continued.*

PLACARDS—continued.

1. *Placard prepared by Dr. M'Greal, &c.*—continued.

in Moore and Palmer's committee-room at Armstrong's Hotel, and in other parts of Castlebar, being resolutions of the Roman-catholic clergy of the diocese of Tuam in favour of the return of Mr. Moore, *Sir R. O'Donnell* 5814-5822. 5827-5841——During the election witness saw Mr. Moore speaking from the hotel in which the placard referred to was posted, *ib.* 5885-5889.

As regards the placard headed "Men of Mayo," witness and the bishops never signed it, or had anything to do with it, *Archbishop M'Hale* 6791-6794.

Examination relative to the placard headed, "Men of Mayo," and signed by the Archbishop of Tuam and three bishops; it was drawn up in Castlebar by Dr. M'Greal, from the original manuscript of the resolution, *J. Jordan*, 8297-8364——Witness does not know who produced the manuscript, or in whose writing it is, *ib.* 8309, 8310. 8317-8324. 8332-8342. 8358-8363——Mr. Cahill and Mr. Green, Roman-catholic clergymen, and Mr. Sheridan, were present, when Dr. M'Greal prepared the placard, *ib.* 8311-8314. 8336-8341——The meeting of these persons was accidental, *ib.* 8344.

Witness took away some dozen printed copies of the placard; he produced one of them on the occasion of Mr. M'Manus designating Captain Palmer an Orangeman, *J. Jordan* 8346-8357. 8401. 8439-8446. 8446-8472. 8516-8521. 8745-8749——He did not hear of any arrangement to have the placard published in any newspaper, *ib.* 8372-8375——He does not recollect to have spoken to Mr. M'Nicholas or Mr. Halligan about the resolution, or to have shown or given to them any copy of the placard until after the address of Mr. Halligan on the 29th March, *ib.* 8376-8397. 8430, 8431. 8455-8477. 8493-8508. 8513, 8514.

Witness did not see the resolution placarded in Swinford, *J. Jordan* 8398, 8399——Scarcely any of the copies brought by witness, from Castlebar, were made use of, or given away, *ib.* 8400, 8401. 8508-8512. 8737, 8738——Doubt whether the placard is a verbatim copy of the manuscript, *ib.* 8447, 8448——Since the evening when the placard was prepared witness has not seen the original document, *ib.* 8449-8454——He does not recollect any proposal, or arrangement, for sending a copy of the placard to every parish priest, nor did he hear that Mr. Halligan had received one, *ib.* 8478-8492——In having a good many copies of the placard printed the object was doubtless to distribute them, *ib.* 8515-8517——Witness was not present when the original resolution was agreed to at Dr. M'Hale's, *ib.* 8523, 8524.

Statement as to Mr. Cahill and some other priests having opposed the publication of the resolution without the previous conduct of Dr. M'Hale; J. W. Sheridan, Dr. M'Greal, and witness insisted on publishing it, *J. Jordan* 8525-8543. 8721-8724. 8732-8736.

Further reference to the occasion on which Dr. M'Greal drew up the placard; the meeting was accidental, and witness for one had never before seen the resolution, *J. Jordan* 8710-8731. 8802-8804.

With regard to the placard headed "People of Mayo," witness explains that on the Monday previous to the nomination, he met, accidentally, Mr. Sheridan, Mr. Jordan, and several of the Roman Catholic Clergy of Castlebar, at the house of Rev. Mr. Cahill, and then and there drew up the placard, embodying in it the resolution of the bishop which had just come from Tuam, in manuscript, in the handwriting of Archbishop M'Hale, *M'Greal* 11283-11296. 11390-11429. 11497-11499. 11684-11694.

2. *Placards emanating from the Party of Colonel Higgins:*

Reference to some placards printed by witness some days before the election, by order of Mr. Griffin, *Kelly* 1386-1395——Remarks relative to a placard signed "R. A. O'Donnell," which was posted in Castlebar, and referred to the placard prepared Dr. M'Greal, as a forged instrument, *J. Jordan* 8739-8744——As regards placards at the election, there were great numbers to be seen in all directions, *Lord J. Browne* 9582.

Placard (referred to in Mr. Kelly's evidence, *Q.* 1386), printed for Mr. Griffin, and posted in Ballinrobe, calling on the Roman-catholic electors to oppose Captain Palmer, *p.* 448.

Copy of advertisement (emanating from Colonel Higgins's committee) headed "Mayo Election," and signed "R. A. O'Donnell," with reference to the character and weight of the support given respectively to Colonel Higgins, and to Captain Palmer and Mr. Moore, *p.* 448.

See also *Conway, Rev. Peter*, 6. *Roman-catholic Clergy*, I. 3.

Plumpers. It was quite understood that the struggle would be between Moore and Higgins, and accordingly witness always sought for plumpers for Colonel Higgins, *Griffin* 1908-1915.

Police. Witness is head constable in charge of the police at Ballinrobe, *O'Connor* 1212. 1214——On Sunday the 5th of April and following days, the police under witness had

Police—continued.

the charge of Monahan's Hotel, where Colonel Higgins' supporters were; orders to which witness was subject, *ib.* 1215–1218. 1259. 1260. 1276–1286——Witness thought it necessary at one time to make the police fix bayonets, but shortly afterwards sub-inspector Maguire told him to unfix bayonets, *ib.* 1262. 1341–1347——The police are prohibited from voting at elections, *ib.* 1354.

Whilst witness was speaking in Swinford, on the evening of the 6th of April, a large body of police came suddenly down the street, and the people fled in great affright, *Moore* 13151——Witness heard that the proceedings of the police, as ordered by M'Curran, had previously been of a very unwarrantable kind, *ib.* 13152, 13153——Remarks of witness to the police officer on the occasion alluded to, *ib.* 13153.

Poll-books. Witness produces from the Crown and Hanaper Office the poll-books for the last election of the county of Mayo; they are nine in number, and are in the same state as when received in the Hanaper Office, *O'Connell* 8–16.

Polling-Booths and Polling:

1. *Ballina.*
2. *Ballinrobe.*
3. *Swinford.*
4. *Westport.*
5. *Generally.*

1. *Ballina.*

Whilst witness was at Castlebar during the polling, an application was made by Mr. Lee for a second booth for Tyrawley, which was refused, *E. H. Jordan* 8896-8901; *Creagh* 9434-9437——On Monday and Tuesday, the two polling days, witness was in the polling-booth at Ballina, *F. O'Donnell* 12470–12476. 12480, 12481——Evidence as to the partial and unfair manner in which, as a supporter of Colonel Higgins, Mr. Edward P. M'Donnell, sheriff in the Ballina booth, conducted the proceedings on Monday, the 6th April, *ib.* 12482, 12486, *et seq.*; *Moore* 13134-13146——Dr. Burke acted as sheriff from 10 o'clock on the second day, *F. O'Donnell* 12483–12485.

Unfair proceeding of Mr. M'Donnell in regard to the questions and the oath to be put to the voters, *F. O'Donnell* 12500–12511——Statements as to the votes having been taken alphabetically instead of by tallies; doubt as to the arrangements entered into on this point by the agents of the candidates, *ib.* 12493–12499. 12532–12561. 12592–12591——Comments on the conduct of Mr. M'Donnell in refusing the vote of one John M'Ivay towards the close of the poll; doubt whether all the other voters of Captain Palmer and Mr. Moore were polled, *ib.* 12517–12529. 12536–12540. 12562–12565.

Examination on the question as to a vote of thanks having been proposed for Mr. Macdonald; at all events a groan was proposed and given for Mr. Macdonald, and a cheer for Dr. Burke, *F. O'Donnell* 12566–12585. 12600–12607——Dr. Burke discharged his duty fairly, *ib.* 12600, 12601.

Refusal of an application made by witness's agent for twob ooths in Ballina, where the voters were very numerous, *Moore* 13140–13144——Unfair conduct of the polling in the booth at Ballina; many voters of Tyrawley barony had not time to poll, *ib.* 13146, 13147.

2. *Ballinrobe:*

Good order in the Claremorris barony booth at Ballinrobe, *Prendergast* 586, 587——Mr. Benjamin Jennings, who presided in the Claremorris booth, was a supporter of Colonel Higgins, *ib.* 604–612——Mr. Starkey, also a supporter of Colonel Higgins, presided in the other booth, *ib.* 613, 614——Inside the Claremorris booth, at Ballinrobe, the proceeding went on quietly enough, *Bourke* 932. 1005——On Monday, the 6th April, witness brought his voters to the poll, and remained in the booth for some time, *French* 1132–1140——On Monday the polling went on very rapidly in the Claremorris booth, *Starkey* 5445. 5467——Witness thanked those who voted for Colonel Higgins, and probably shook hands with them, *Sir R. O'Donnell* 6273–6277.

On Monday, the 6th of April, witness was in the Kilmaine polling-booth at Ballinrobe for two or three hours after its opening, and everything seemed to go on very quietly, *Knox* 6989–6998——There was a full attendance of voters at the booths during Monday, *ib.* 7109–7111——A great number of voters polled at Ballinrobe on the Monday, Colonel Higgins being in a slight minority on that day, *Sir R. Bloss* 7407–7411——The Claremorris booth was perfectly quiet throughout the Monday, *Hon. J. Brown* 7671–7674.

3. *Swinford:*

Unfair arrangement in the polling-booth at Swinford; partiality shown by the deputy-sheriff, in allowing Colonel Higgins's voters to be polled from off a platform behind the sheriff, *J. Jordan* 8094–8104. 8120–8125——Colonel Higgins's friends in the booth were allowed to cheer, &c., but Mr. Moore's friends were prevented from any expression of opinion, *ib.* 8105–8109. 8126, 8127——Partial and unfair arrangements in the Gallen polling-booth at Swinford in regard to the polling of the voters of Colonel Higgins and of the opposite party, *E. H. Jordan* 8957–8974.

4. *Westport:*

Report, 1857—*continued.*

POLLING BOOTHS AND POLLING—continued.

4. *Westport:*

Partial and improper way in which the proceedings were conducted in the polling-booth at Westport; Mr. Hildebrand was deputy-sheriff, *Wilbraham* 9676–9699.

5. *Generally:*

Statement by counsel for Sitting Member, that, with the exception of the barony of Kilmaine, where polling was by tallies, all the polling was alphabetically, *p.* 448.

See also *Adjournment of Poll (Ballinrobe). Brabazon, Captain. Conway, Rev. Peter*, 3. *Deputy-Sheriffs.*

Prendergast, Richard. (Analysis of his Evidence.) Resides at Ballygowan in the county of Mayo; was formerly in practice as a solicitor, 388, 389——Is a voter for the county of Mayo, 390——On Sunday, the 5th April, went with a party of voters for Colonel Higgins from Claremorris to Ballinrobe, escorted by Mr. Ruttledge and a party of dragoons, 391–400——Approached the hotel at Ballinrobe by turning up a lane, having been previously joined by an additional escort from the town, 401–405.

On passing through the lane, the voters were attacked by a considerable mob, part of whom from their position commanded the wall by the side of the lane, 407–415. 529–536. 556. 624–634——Father Conway appeared to be leading the mob, 416–420——Statement as to Father Conway, who was either upon or inside the wall, having continually, in Irish, invoked a curse upon any one who voted for Higgins; precise words used, 421–454. 542–554. 620–623. 655–658——Manner in which the words were uttered, 442–449——The effect of the words upon some of the voters was that of disgust, though it was calculated to awe them, 450–453. 592–598.

Particulars as to the violence of the mob in Ballinrobe towards Colonel Higgins's supporters, and the disturbed state of the town from Sunday till Tuesday the 7th April, 455–495. 564–586. 637–654——Necessity for the voters to be escorted when going to the poll or to any distance from the hotel, 465–472. 494, 495. 644–651——Doubt as to the same protection or amount of escort having ever been required at former elections for Mayo, 496–516. 615.

Witness met Mr. Isidore Bourke and his voters by appointment on the morning of the 5th of April; there was no cheering or shouting on their part, 517–528——When witness heard the words spoken by Father Conway, there was not much noise or commotion in the lane, 537–541, 616–619——Circumstance of Father Conway having suddenly disappeared from the wall, in consequence of Mr. Joseph Bourke having presented a pistol and threatened to fire, if his people were molested, 554–559——Before this incident several stones had been thrown at the voters, 556. 624–627——Witness does not know at whom the pistol was presented, 558–561.

The crowd in Ballinrobe on Monday may have been drawn thither by the market on that day, but not for the sake of fun at the election; there was no fun in the matter at all, 564–572——Witness did not hear of any excitement with regard to Captain Palmer, 574–580——Good order in the Claremorris barony booth at Ballinrobe, 586, 587——Mr. Bourke's tenants all voted for Colonel Higgins, notwithstanding Father Conway's conduct, 588–598——Mr. Benjamin Jennings, who presided in the Claremorris booth, was a supporter of Colonel Higgins, 604–612——Impression that Mr. Starkey presided in the other booth, 613, 614——The town was greatly crowded and excited on Tuesday as well as Monday, 637–644. 653, 654——From Claremorris to Ballinrobe the voters were not molested, 652.

Priests. see *Roman Catholic Clergy.*

Protestant Clergy. The Protestant clergy voted for Colonel Higgins, but did not take so active a part for him as the priests did for Mr. Moore, *Griffin* 1911, 1912. 2231–2242——At Kildare, &c. several Protestant clergymen and a dissenting minister promised to support Colonel Higgins, *Sir R. O'Donnell* 5611–5613. 6021–6023.

Circumstances under which a Protestant clergyman accompanied Mr. Ormsby and witness to Swinford, *Creagh* 9388–9392, 9426–9432.

Colonel Higgins was largely supported by the Protestant gentry of the county, *Sir R. O'Donnell* 5576. 5611–5613.

Pugh, Rev. Mr. Witness, who anticipated a petition, remarked to Mr. Pugh that he was glad to see him walking about in Ballinrobe, without fear of being molested, *Honourable J. Brown* 7772. 7864–7867.

R.

Redington, Sir Thomas. Sir Thomas Redington addressed a note to witness, with reference to the representation of Galway, but witness said he should oppose his election, *Archbishop M'Hale* 6779–6783.

Report, 1857—*continued.*

Regan, William. William Regan, a voter, promised to support Colonel Higgins, but did not vote at all, *Griffin* 1954-1967.

Return of Members. Witness produces and reads the return for the last election for the county of Mayo; it is dated 10th April, and shows the number of votes polled respectively for Messrs. Palmer, Moore, and Lieutenant-colonel Higgins, *Naylor* 4-7.

Reynolds, Rev. Peter. On Thursday, about a fortnight before the election, witness was at Claremorris Chapel, and heard the Rev. Peter Reynolds, the parish priest, strongly advise the people not to vote for Colonel Higgins, *Bourke* 675-689——Active part taken by the Rev. Mr. Reynolds in bringing up voters to the poll at Ballinrobe, *Starkey* 5174-5180.——*See* also *King, Patrick.*

Riot Act. Witness did not read the Riot Act at Swinford, but another magistrate did so, *M'Manus* 3532-3535.

ROMAN-CATHOLIC CLERGY:

I. *Archbishop M'Hale:*

1. Position and Powers of Archbishop M'Hale.
2. His Views in regard to Clerical Interference with the exercise of the Elective Franchise.
3. Resolution, signed by Archbishop M'Hale, and three Roman-catholic Bishops, relative to the Election.
4. Pastoral Letter.
5. Part otherwise taken by Archbishop M'Hale, in the late Election.

II. *Clergy Generally:*

1. Active and influential Part taken by the Priests.
2. Remarks in defence of the Conduct of the Priests.
3. Views of Mr. Moore, in regard to the interference of the Priests with the exercise of the Franchise.
4. Absence, generally, of direct Communication between the Priests and Mr. Moore, as to the conduct of the Election.
5. Slight extent to which Colonel Higgins received support from the Priests.
6. Conduct of the Roman-catholic Clergy condemned by the Committee.

I. *Archbishop M'Hale:*

1. Position and Powers of Archbishop M'Hale:

Witness claims the title of Archbishop of Tuam in the Roman-catholic church (such title not acknowledged by the Committee), *Archbishop M'Hale* 6294-6296——A large portion of the county of Mayo is in witness's diocese, *ib.* 6297——The parish priests and the curates in the diocese are appointed by him; number of these, *ib.* 6297-6307——The bishops are appointed by the Pope, *ib.* 6308, 6309——Witness has power to remove or to suspend the parish priests, *ib.* 6310-6314. 6330-6335——Names of several priests appointed by witness, and of the parishes to which they belong, *ib.* 6347-6375.

Dr. M'Hale has very great influence in the county of Mayo, *Ruttledge* 51.

2. His views in regard to Clerical Interference with the exercise of the Elective Franchise:

Witness considers that it is not only his right, but his duty to express his opinion upon the relative merits of candidates for the representation of the people in Parliament, *Archbishop M'Hale* 6746-6747——He disapproves of any violent measures on the part of the clergy with a view to the return of any candidate, *ib.* 6748——Witness by no means advocates factious opposition on the part of Irish members to Government, *ib.* 6772——Reference to pastorals issued by witness at former elections, discountenancing violence, bribery, &c., *ib.* 6774. 6776, 6777. 6960, 6961——If witness were convinced that the clergy had acted in the way described in the petition, he would not fail to reprehend and punish them, *ib.* 6774, 6775. 6962.

Witness's position in the church in no way debars him from his rights as a citizen, *Archbishop M'Hale* 6787——Civil as well as ecclesiastical rights of witness, *ib.* 6787. 6950-6953——With regard to coercion by the Roman-catholic clergy, it is only exercised to counteract the coercion of the gentry, *ib.* 6899——Proposition that in the exercise of the elective franchise the Catholic peasantry should in the first instance be guided by the dictates of their conscience, but that, in case of doubt, they cannot do better than consult their clergyman and act upon their advice, *ib.* 6907-6913. 6933-6946——The clergy, however, should by no means coerce the electors, *ib.* 6912, 6913——Reluctance with which witness has submitted to the payment of the income-tax and of poor-rates, adverted to with reference to his civil rights, *ib.* 6950-6959.

3. Resolution,

ROMAN-CATHOLIC CLERGY—continued.

1. *Archbishop M'Hale*—continued.

3. Resolution, signed by Archbishop M'Hale, and three Roman Catholic Bishops relative to the Election:

Reference to a casual meeting at witness's house, in Tuam, on the 22d March, of bishops and priests, who had been assisting at the consecration of the Bishop of Galway; names of some of those present, *Archbishop M'Hale*, 6407-6415. 6448-6470——Examination relative to a resolution drawn up by witness at this meeting, and signed by himself and Bishops Feeney, Durcan, and M'Evily, relative to the approaching election; witness does not recognise this resolution in one as printed in a newspaper now shown to him, *ib.* 6416-6442. 6448-6458. 6465-6469——Belief that the resolution signed by witness did not mean Colonel Higgins, *ib.* 6424-6431——Having signed the resolution, witness did nothing further in the matter in regard to its dissemination, and does not know what became of the document, or whether it was sent to any of the newspapers for publication, *ib.* 6483-6516. 6724-6731.

With regard to the resolution as signed by witness at Tuam, and as published in the newspapers, his attention was not called to the discrepancy between the two, *Archbishop M'Hale* 6745——He further repeats his belief that the resolution signed by himself and the bishops did not refer, by name, to Colonel Higgins, *ib.* 6793——General objection of witness to name persons in documents, *ib.* 6793. 6873-6875——As regards a certain printed copy of witness's pastoral, he cut it out of the "Freeman's Journal," but has no recollection of having seen, in doing so, in the same paper, the resolution agreed to at his house in Tuam, *ib.* 6803-6823.

4. Pastoral Letter:

Witness is anxious to lay before the Committee some portions of the instructions issued by him to the clergy in his pastoral letter before the election, *Archbishop M'Hale* 6748-6751——Witness reads portions of this pastoral, dated Passion Sunday 1857, relative to the forthcoming election, and the conduct to be expected from the clergy and the people, *ib.* 6752-6755——Strong inculcation in the pastoral of a spirit of peace and forbearance, and of the avoidance of riot, intoxication, and bribery, *ib.* 6755——This document was published, with witness's full consent, in the "Freeman's Journal," *ib.* 6756, 6757.

Explanation as to the pastoral not having appeared before the election in the local newspapers, *Archbishop M'Hale* 6824-6832. 6850-6870——Statement that the clergy, or many of them, had a copy of the "Freeman's Journal," containing the pastoral, on the Sunday before the election, *ib.* 6831. 6834-6840——Greater convenience in having the pastoral printed in Dublin than in Castlebar or Tuam; it was sent to Dublin on Friday, the 3d April, *ib.* 6850-6870.

Before addressing his congregation on Sunday, the 5th April, Mr. Conway read a pastoral from Archbishop M'Hale, inculcating peace at the election; this was read from a printed document after mass was over, *Martyn* 9821. 9824. 9999-10008. 10362-10365.

5. Part otherwise taken by Archbishop M'Hale in the late Election:

Witness had intended to nominate Mr. Moore, and considers that he would have been perfectly justified in doing so, but not being an elector he had not the power, *Archbishop M'Hale* 6518-6528. 6537-6540. 6786-6790——Neither in going to nor returning from Castlebar at the nomination did witness call at Moore Hall, *ib.* 6586-6597——During the polling witness was in Tuam, *ib.* 6598, 6599——Witness excused himself from attending a dinner given to Mr. Moore, in Westport, on the 14th April, *ib.* 6609-6614——The petition of Colonel Higgins may have been read in several chapels, but it was not read by any direct sanction from witness, nor had he any special knowledge of its being read, *ib.* 6643-6657.

Circumstance of some parishes in witness's diocese having continued vacant since the time of the election; explanation herein relative to Castlebar, *Archbishop M'Hale*, 6705-6721——Disinterested part taken by witness in regard to any assistance given by him towards the return of candidates at any time, *ib.* 6722-6725——Probability of parties having applied to witness with reference to their coming forward as candidates for Mayo, *ib.* 6732-6734——Witness does not recollect ever having told any person that he would adopt and return him if he started for the county, *ib.* 6735-6744. 6784-6785.

Witness has never disguised his opinion that Colonel Higgins was not worthy of support, as having broken his pledges *Archbishop M'Hale* 6760-6762——In 1852 witness voted for Colonel Higgins and Mr. Moore, *ib.* 6763. 6764——In expressing opinions adverse to Colonel Higgins, witness further shows that he discountenanced violence on the part of the clergy, *ib.* 6773, 6774——Private letters were written by witness to a few of the clergy about the election; he does not think he wrote one to Mr. Morgan, *ib.* 6833. 6841-6849. 6871, 6872.

II. *Clergy Generally:*

1. Active and influential part taken by the Priests:

Activity of Father Conway and other priests at the polling-booths at Ballinrobe, *Bourke* 792-814; *O'Connor* 1270-1274——Father Conway and other priests, in bringing voters

Report, 1857—*continued.*

Roman-Catholic Clergy—continued.

II. *Clergy generally*—continued.

1. Active and influential part taken by the Priests—*continued.*

voters to the poll, were capital agents, *Griffin* 2006-2015. 2081-2088. 2225-2230; *Sir R. O'Donnell* 5823-5826. 5900-5919. 6267 6272 —— Active part taken by he priests at Swinford on behalf of Moore and Palmer, *M'Manus* 3481-3490; *Lavin* 3859-3866—— Irish mobs are doubtless much influenced by the priests, *Curran* 4410.

Witness frequently saw priests at the committee-room at Gildea's hotel, among others Mr. M'Hugh and Mr. Conway, *Sharkey*, 5155-5161——Active part taken by the priests on behalf of Moore and Palmer, at Ballinrobe, on the opening of the poll on Monday morning, *ib.*, 5163-5189——Very excited state of the crowd in Castlebar on the 2d April, the day before the nomination, in consequence of the harangues of the priests, Sir *R. O'Donnell* 5686-5725——There were seven or eight priests very active in Mr. Moore's behalf at Castlebar, in bringing up voters; names of some of these, *ib.* 5900-5919.

Influence of the priests adverted to with reference to the circumstance of escorts being necessary for the unpopular candidate, *Knox* 7152-7160——Mr. Conway and several other priests were in the Kilmaine booth on the Monday, *Sir R. Bloss* 7515-7519—— The priests in Mayo assume to decide the elections, but their influence was less at the late election than on any former occasion, *ib.* 7526, 7599-7601——Mr. Moore was the member put forward by the wishes of the priests, and receiving their support, *ib.* 7527, 7528——The county has, with one exception, been represented for the last twenty years by a candidate returned by the priests, *Hon. J. Brown* 7651——The priests seemed to have lost their influence at the late election, *ib.* 7818-7847. 7910, 7911.

There were several priests with Mr. Moore when canvassing in Swinford, on the Tuesday before the nomination, *J. Jordan* 8257-8266——Several priests and witness dined with Mr. Moore at Dean Durcan's on the Tuesday in question, *ib.* 8279-8284. 8707-8709——The priests did not seem to have their usual influence either at Kiltermaugh or at Swinford, *E. H. Jordan* 9215, 9216——If Colonel Higgins had a larger support from the country gentry he would be elected in spite of the priests, *Lord J. Browne* 9571-9581 ——Several priests who took an interest in Mr. Moore's return were in and out of witness's hotel during the election; they probably supported Mr. Palmer, as supporting Mr. Moore, *Armstrong* 12323-12346——Reference to a meeting of several priests at the hotel; it was not held in any room engaged by Mr. Palmer, *ib.* 12340-12344. 12434-12437.

2. Remarks in Defence of the Conduct of the Priests:

There was nothing irregular or improper in the conduct of the priests at Ballinrobe, on Monday, so far as witness saw, *Knox* 6999-7002——There was nothing improper in the conduct of the priests in the Claremorris booth, *Sir R. Bloss* 7402-7405——Witness did not observe the priests excite the mob in any way, *ib.* 7591-7596——Examination as to the active part taken by the priests; they always have taken a prominent part at the elections for Mayo, *Hon. J. Brown* 7812-7847. 7880-7901.

Witness has received no complaint whatever of any transgression by the clergy of the advice given in his pastoral letter, *Archbishop M'Hale* 6758——He feels that his clergy are not capable of the acts charged against them, *ib.* 6775——No complaint has ever been made to witness in regard to the misconduct of his clergy at former elections, *ib.* 6960-6962.

3. Views of Mr. Moore in regard to the interference of the Priests with the exercise of the Franchise:

Presence of witness, Mr. Curley, and Mr. Moore at a meeting in September, for laying the foundation of a Roman-catholic chapel at Louisburgh, *Archbishop M'Hale* 6376-6380——Witness heard part of the speech made by Mr. Moore on this occasion, but does not recollect to have heard a certain passage to the effect that "the priests, under the advice of the great Archbishop, should decide the way in which each Castlebar voter should exercise the elective franchise," *ib.* 6385-6401.

With reference to certain extracts from speeches said to have been made by witness at Louisburgh and Castlebar, he states that he never made any such speeches at all, *Moore* 13072-13075——Witness is entirely opposed to the doctrine attributed to him, that the Roman-catholic clergy should have the exclusive direction of the franchise exercised by lay members of their body, *ib.* 13075.

4. Absence, generally, of direct Communication between the Priests and Mr. Moore, as to the conduct of the Election:

Statement to the effect that the priests were not in any way employed by witness in the business or conduct of the election; save upon one occasion witness had no previous communication with them on the subject of the election, *Moore* 13172.

5. Slight extent to which Colonel Higgins received Support from the Priests:

Dean Bourke and Mr. Hugh were the only parish priests who supported Colonel Higgins, *French* 1068-1072.

6. Conduct

Report, 1857—*continued.*

Roman-Catholic Clergy—continued.

II. *Clergy generally*—continued.

6. Conduct of the Roman-catholic Clergy condemned by the Committee: Resolution of the Committee that undue influence and spiritual intimidation prevailed to a considerable extent at the election, *p.* 466.

See also *Altar Denunciations or Addresses. Ballinrobe. Ballyhaderreen (Costello Barony). Ballyhannis (Costello Barony). Barrett, Rev. Mr. Bourke, Dean. Brown, Rev. James. Cahill, Rev. Mr. Coghlan, Archdeacon. Conway, Rev. Peter. Coyne, Rev. Mr. Curley, Rev. Michael. Durcan, Dr. Geraghty, Rev. Mr. Green, Rev. Mr. Halligan, Rev. Mr. Hosty, Rev. Mr. Intimidation. Ivers, Rev. Mr. Joyce, Rev. Michael. Landlords. M'Culloch, Rev. Mr. M'Evily, Rev. Mr. M'Hugh, Rev. Mr. Moore Indemnity Fund. Nicholas, Rev. Mr. O'Donnell, Rev. Mr. Placards, 1. Reynolds, Rev. Peter. Ryan, Rev. Luke. Undue Influence.*

Roman-catholic Gentry. The great body of the Roman-catholic gentry were in favour of Colonel Higgins, *M'Manus* 3553——All the Roman-catholic gentry, with the exception of two, supported Colonel Higgins, *Sir R. O'Donnell* 5570–5575.

Expectation of patronage or place under which Colonel Higgins received the support of the Roman-catholic gentry at the late election, *Archbishop M'Hale* 6888–6898.

Ruttledge, David. (Analysis of his Evidence.)—Magistrate for the counties of Mayo and Galway; resides in Galway, 17–19——Was high sheriff of Mayo in 1852; 20——Is a freeholder and an elector for the county, 21–23——Voted for Colonel Higgins at the last election, 24–26——Was present at the nomination, which took place at Castlebar about eleven in the morning of Friday the 3d of April, 27–29. 31——Mr. Moore, and the Rev. Mr. Conway, Roman-catholic priest, drove in to the nomination together, 30–33——Dr. M'Hale was at the nomination, accompanied by several priests, 34–43.

Reference to a placard, signed by Dr. M'Hale and three Roman-catholic bishops, which was extensively circulated on the nomination day, and called upon the people to elect Mr. Moore and Captain Palmer, and to reject "Mr. Ouseley Higgins," 44–52——Great influence of Dr. M'Hale in the county, 51——Dr. Durcan, one of the bishops who signed the placard, was at the nomination, 53–56.

On Saturday, the day after the nomination, witness went to Claremorris, by deputation from the high sheriff, to accompany some voters for Colonel Higgins, who were to be collected there on Sunday, and were to go on to Ballinrobe to poll, 57. 66–73——There was considerable excitement in Castlebar after the period of witness havig seen the placard, and a good many military had been brought in, 58–65——Some dragoons accompanied witness to Claremorris, 73, 74.

Collection at Claremorris of about 100 voters for Colonel Higgins on Sunday forenoon, 75–78. 85, 86——Evidence showing the great violence of the people towards Colonel Higgins's voters; alarmed state of the latter, and the difficulty experienced in getting away from Claremorris without bloodshed, 76–108——One voter, named Peter Cummins, was nearly killed by a blow from a stone, 98–101. 108, 109.

On approaching Ballinrobe on Sunday afternoon witness found it necessary to increase his escort of twenty-five dragoons by twenty-five infantry and some police from the town, before he ventured to go on with the voters to the hotel of Colonel Higgins, 110–123. 129, 130——Approach of the voters and escort to the hotel by a lane leading to the hotel yard, 124–132——Particulars as to the great violence experienced by the voters before they could get from the lane into the hotel yard, and subsequently into the hotel, with which the yard was not in direct communication, 132–181.

Address of Father Conway to the mob on this occasion; he knelt on the top of a wall skirting the lane, and spoke in Irish, cursing those who might vote for Colonel Higgins; actual words used, 134–156——Witness and several voters were struck with stones on this occasion, 163. 176——Circumstance of Mr. Bourke having threatened the mob with a pistol if they molested his voters, whereat Father Conway at once disappeared behind the wall, 164 165——Violent conduct of Father Conway subsequently to his address from the wall, 167, 168.

Witness never saw any persons so intimidated as were Colonel Higgins's voters at Ballinrobe, 173——So violent were the people that witness, who was previously not an unpopular man, could not leave the hotel for two or three days, and required an escort to protect him to the polling-place, which was within 100 yards, 282–186. 193–198. 204–211——Witness never saw so violent a mob at any election as the mob at Ballinrobe, 187. 191, 192. 290–295——Several other magistrates besides witness had deputations from the sheriff, 188–190——Escort required by Colonel Higgins's voters in going from the hotel at Ballinrobe to the polling-place, 196–203.

Mr. Higgins, the father of Colonel Higgins, was sheriff at the last election, 212——How far the deputy sheriffs appointed by the sheriff were partisans of Colonel Higgins,

Report, 1857—*continued.*

Ruttledge, David. (Analysis of his Evidence)—*continued.*

213–237. 242–276——Reference to several names on Colonel Higgins's provisional committee, formed some weeks previously to the election, 223–236. 269–275. 373–375——There was only one officer with the dragoons; witness does not know his name, 238–241. 308——As deputed magistrate, witness merely looked after the safety of Colonel Higgins's supporters, and would have acted the same part by Mr. Moore's voters, if they had required it, 242–255. 380. 383–385.

Explanation as to the sheriff having given deputations to several magistrates besides witness, 242. 248–250. 258–262——Witness was an active supporter of Colonel Higgins, and was well known as such, 244–247. 267, 268——The tenants of witness polled one by one at Ballinrobe, and were not noticed, 256, 257. 263–268——Dr. M'Hale did did not go into the Court-house on the day of the nomination at Castlebar, 277–280——Witness was probably in error in saying that Dr. Durcan was at the nomination; explanation hereon, 281–289.

Further statement as to the violence at Ballinrobe and Castlebar having surpassed the violence at former elections, 290–295. 381–387—— In Castlebar the presence of the sheriff, and of a large military force, kept the people in order, 292. 295——Practice at previous elections in Mayo, to call out the military, 296–307——Further reference to the mob at Claremorris; they had just left chapel, 309–314——Witness and several others were struck with stones at Claremorris, 315–319.

When Mr. Isidore Bourke came into Claremorris with his voters for Colonel Higgins, they did not cheer, 320–330——Further statement as to the tenor of what Father Conway said to the mob in Irish, 331–344. 347, 348——Impression that Mr. Bourke did not present his pistol at Father Conway, 345, 346. 349——Explanation as to Mr. Bourke having subsequently given up his pistol to Mr. Arabin, stipendiary magistrate, 350–356.

Circumstance of witness having ordered two dragoons to draw their swords at Ballinrobe; the officer in command did not at once order them to put their swords into the scabbard again, 357–365. 387——Reference to some conciliatory remarks towards Dr. M'Hale by Dean Bourke, the seconder of Colonel Higgins, 366–370——Difficulty in obtaining deputy sheriffs at Irish elections, as they must be 50*l.* freeholders, 376–379.

Ryan, Rev. Luke. Witness was at Kilmena Chapel on Sunday the 15th of March, when the Rev. Luke Ryan, the Roman-catholic administrator, addressed the congregation about the election, and said it had already cost him 3*l.* to defeat the return of the trator Higgins, *M'Laughlin* 4419–4424——On Sunday, the 22d of March, Mr. Ryan read aloud from the altar a printed list of voters in the parish, commenting strongly on those who might be expected to vote for Higgins, *ib.* 4425–4437. 4444–4448——After reading out the names, he said, pointing from the altar to the aisle, "If the devil came up there, he would vote for him in preference to Colonel Higgins," *ib.* 4438–4442——Serious effect of Mr. Ryan's address from the altar upon the minds of the congregation, *ib.* 4449–4460.

On the 22d March, Mr. Ryan referred to Sir Richard O'Donnell as the "little baronet," and told the people to hunt their dogs upon him when canvassing, and to shut their doors in his face, *M'Laughlin* 4461–4476——On the 29th March, witness again heard Mr. Ryan speak from the altar in strong denunciation of every one who would support Colonel Higgins; language used by him on this occasion, *ib.* 4477–4504——Mr. Ryan again spoke about the election on Sunday the 5th of April; he referred to Sir Richard O'Donnell as the Derby priest, and requested the congregation to go with him to Newport after mass, which many of them did, *ib.* 4504–4525. 4634–4652.

On Tuesday the 7th April, witness saw Mr. Ryan apparently much engaged in the election business, *M'Laughlin* 4526–4533. 4716–4722——Mr. Ryan shook his hand at Colonel Higgins's voters, and called them traitors, *ib.* 4535–4537. 4721——On Sunday the 12th April, Mr. Ryan said in the chapel at Kilmena, that Colonel Higgins's voters were traitors, and must not dare to offer him any Easter dues, *ib.* 4541–4548——On Sunday the 19th, Mr. Ryan gave out the stations for confession, and said he would not go to the house of Pat Brown, as being a traitor, who had voted for Colonel Higgins, *ib.* 4549–4551——Statement by Mr. Ryan, in Kilmena Chapel, on Sunday the 14th June, relative to what he had said from the altar before the election, and cautioning those who had been served with Speaker's warrants not to commit perjury, *ib.* 4558–4565.

Witness attended chapel each Sunday from the 15th March, without having had any communication from any one to induce him to do so, *M'Laughlin* 4566–4572——Explanation as to witness having made memoranda of the dates of of Mr. Ryan's addresses from the altar; he did not write down the language used, *ib.* 4589–4633.

Witness saw Mr. Ryan dispensing whiskey to the mob, from a public-house in Newport, on Sunday the 5th April, *Sir R. O'Donnell* 5779–5790. 6148–6154——The mob subsequently left the town, witness having addressed them, but Mr. Ryan remained behind, *ib.* 5791–5796. 6155–6160——Statements as to the object of Mr. Ryan remaining

in

Report, 1857—*continued.*

Ryan, Rev. Luke—continued.

in Newport, being to bring away some voters who had been left for safety in charge of witness's son, Sir *R. O'Donnell* 5797–5807. 6286–6292——Active part taken by Mr. Ryan during the election, in bringing up voters to the poll at Castlebar, *ib.* 5808–5813.

The Rev. Mr. Ryan, in the parish of Kilmena, and the Rev. Mr. Gowry, in the parish of Tuam, act as administrators in regard to the contributions to witness's revenue, *Archbishop M'Hale*, 6318–6322. 6327, 6328——Mr. Ryan was appointed by witness about six years ago, and is removable by him, *ib.* 6323–6326. 6329–6335——Mr. Ryan did not accompany witness to London, nor has witness seen him here, *ib.* 6617–6619.

With regard to the so-termed altar denunciations by Mr. Ryan, witness declines to say whether he would suspend Mr. Ryan on account of the words attributed to him, *Archbishop M'Hale* 6656–6671——As regards the remarks said to have been used from the altar at Kilmena by Mr. Ryan, witness did not hear of them till lately through the newspapers, *ib.* 6696–6704.

Presence of Mr. Ryan during Mr. Moore's speech in Castlebar on Monday, the 30th March, *M'Greal* 11454–11467.

Resolution of the Committee, that in the exercise of such undue influence and spiritual intimidation, the Rev. Peter Conway and the Rev. Luke Ryan are so prominently active, that the Committee deem it their duty specially to report their conduct to the House, in order that such steps may be taken as may seem to the House to be proper and necessary, *p.* ix.

Ryan, William. Statement relative to William Ryan, an elector, whose vote was at first expected to be given to Colonel Higgins, but who with other freeholders was brought to the poll by some priests, and supported Moore and Palmer, *Griffin* 2061–2068.

Ryley ——. See *Bribery.*

S.

Scahill, Timothy. (Analysis of his Evidence.)—Servant of Colonel Higgins, 2960——Was, together with another man, going with a cart of hay and a cart of straw into Ballinrobe, on Sunday, the 5th April, 2961–2965——When near Ballinrobe met a large mob, accompanied by the Rev. Mr. Conway, on horseback, 2966–2973. 3038–3045. 3071–3083——The crowd stopped witness and the other carman, and Mr. Conway told them to scatter the hay and straw in the mud, which they quickly did, 2974–2979. 3054–3068——The hay and straw were for the use of horses conveying Colonel Higgins's voters, 2977, 2978.

Statement as to the mob having at Mr. Conway's desire detained witness, and a horse and cart, until he found an opportunity for driving away from them, 2980–2992. 3005–3014. 3025, 3026——Particulars as to Mr. Conway and the mob having stopped some voters on cars, who were going to Ballinrobe under escort, some of these voters ran away through fear, 2993–3002. 3084–3099——Circumstance of one of the escort having read some paper aloud, whereupon the mob and Mr. Conway at once dispersed, and the dragoons and voters went on to Ballinrobe, 3002–3004. 3018–3023. 3100–3106——Shortly afterwards, Mr. Conway and the mob again came together on the road, and stopped other voters, making them promise to support Moore and Palmer, 3004. 3006–3008. 3120–3135.

Violent and excited conduct of this mob, 3015–3017. 3024——Witness has never ventured into Ballinrobe since the Sunday in question; he is afraid of his life to go there, 3027–3037——Witness did not observe any car with Mr. Burke of Ower in it on the Sunday, 3046–3053. 3069–3078——When the dragoons and voters passed along to Ballinrobe, witness was afraid to go with them; besides, there was no use in his going, as the hay and straw was all scattered on the road, 3104–3118. 3136–3138.

Sharkey, Peter Burroughs. (Analysis of his Evidence.)—Resides in Roscommon; has no connexion with the county of Mayo, 5104. 5249–5251——Acted as deputy sheriff for the barony of Kilmaine at the late election; was appointed by the high sheriff, Captain Higgins, 5105. 5252–5254. 5291. 5298. 5543–5545——Necessity of a 50*l.* qualification in order to act as deputy sheriff; possession of this by witness, though he is not a freeholder, 5106. 5255–5264. 5546.

On the day of nomination witness was in Castlebar, 5107——Witness is a Roman Catholic, and on Sunday the 5th April was at chapel at Castlebar when the Rev. Mr. Cahill alluded to a pastoral he had received from Archbishop M'Hale, and called upon the people to vote for Moore and Palmer, inasmuch as Colonel Higgins had been found wanting, 5108–5123——Mr. Cahill also mentioned some person's name, in Irish, as going round the back lanes of Castlebar canvassing for Colonel Higgins, and said he was surprised the people let him in to their houses, 5124–5128.

Report, 1857—*continued.*

Sharkey, Peter Burroughs. (Analysis of his Evidence)—continued.

On the evening of the 5th April witness drove from Castlebar to Ballinrobe and put up at Gildea's hotel where the car stopped, 5129-5133——Examination of the circumstance of witness, a supporter of Colonel Higgins, having stopped at the hotel belonging to the opposite party, and placarded with their names, 5133-5138. 5336-5348. 5383-5407——Some police officers were also staying at Gildea's hotel, 5138. 5395.

Statement as to some men, whom witness understood to be voters, having been forcibly brought up-stairs in Gildea's hotel; one of them was carried into the committee-room, 5139-5155. 5392-5400. 5557——Witness remained at Gildea's hotel until the close of the poll on Wednesday, 5150——He frequently saw priests at the committee-room, among others Mr. M'Hugh and Mr. Conway, 5155-5161.

Active part taken by the priests, in behalf of Moore and Palmer, on the opening of the poll on Monday morning, 5163-5189——Intimidating conduct of the priests in regard to the electors and their way of voting, both on Monday and Tuesday, 5167-5173. 5185-5189——Circumstances under which witness felt called upon to threaten to place the Rev. Mr. M'Hugh in custody on the first day of polling, 5172, 5173——Active part taken by the Rev. Mr. Reynolds, in bringing up voters to the poll, 5174-5180——Mr. Conway was the first person to vote in Kilmaine booth; his manner on this occasion, 5181-5183.

Statement relative to an application to witness on Tuesday, founded on affidavit by Mr. Burke, of Ower, to issue a warrant for the arrest of Mr. Conway; subsequent communication of Mr. Conway and witness, after which, on the evening of Tuesday, he left Ballinrobe, 5190-5194. 5493-5506. 5550-5552——Circumstances under which witness sent for a stipendiary magistrate with a view to giving Mr. Conway into custody for undue interference in the booth on Monday; eventually he made Mr. Conway sit by his side on the bench and keep quiet, 5195-5198——Remarks by Mr. Conway in the booth relative to Colonel Higgins, and in condemnation of his conduct, 5199-5209——Witness has recently seen Mr. Conway about the House, 5212-5214.

On Tuesday, at ten minutes past one, witness adjourned the poll in the Kilmaine booth; examination in justification of this proceeding; explanation relative to and production of the affidavits on which the adjournment was made, 5215-5233. 5434-5492. 5503-5506. 5548, 5549. 5553-5556——Circumstance of witness having refused an application for an adjournment of the poll on the first day; it was not adjourned for any time whatever on that day, 5228. 5431-5433. 5506. 5548. 5553-5556.

Statement as to witness after leaving the polling-booth on Wednesday having passed with an escort in front of a window, from which Mr. Moore was addressing a great crowd or mob, 5233-5236. 5525-5530——Violent demeanour of this crowd towards witness in consequence of some remark of Mr. Moore, 5237-5239. 5531——Witness therefore became alarmed, and holding up the poll-books, called upon Mr. Moore in the name of Her Majesty to protect him, 5239. 5532, 5533.

Mr. Moore subsequently said something about witness tampering with the poll-books, 5239——After he had done so there came a shower of stones, one of which passed close to witness and struck a dragoon, 5239. 5534-5537——Witness was escorted part of the way from Ballinrobe, and then went on by himself to Castlebar without being molested on the way, 5239. 5541, 5542——Ballinrobe was in an extremely excited state both on Monday and Tuesday, and escorts were necessary for all Colonel Higgins's supporters, 5240-5242. 5468-5472. 5507——Instance of the military clearing the streets on the Tuesday, 5243-5247.

With reference to the appointment of witness as deputy sheriff he admits that he is a partisan of Colonel Higgins, 5265-5269——Witness never made a speech at a certain meeting in Dublin in favour or defence of Colonel Higgins, 5270-5290——When witness was in Castlebar at the nomination he stopped at the hotel of Moore and Palmer, 5292-5297——Before the nomination witness saw Colonel Higgins at his committee-room, and during the nomination was in that part of the court-house where his friends were, 5299-5306.

Separate places in the Court-house were assigned to the friends of the opposing candidates, 5307-5311——When Colonel Higgins spoke witness occasionally applauded, and when Captain Palmer spoke occasionally expressed his dissent, 5312-5328——Subsequently to the nomination witness was at Colonel Higgins's room, but did not go in the evening to the house of Colonel Higgins and his father, 5329-5335.

Witness was sworn as deputy-sheriff on the 4th or 5th April, 5350-5354——Remarks made by witness on opening the Kilmaine both, with a view to the preservation of peace and order; reference therein to the course of conduct expected from the Roman-catholic clergy, 5355-5382. 5547——Circumstance under which it was not know at Gildea's hotel that witness was the deputy-sheriff, 5383-5391——Further statemant as to the propriety of witness having continued at the hotel, where the proceedings of the opposite party were subject to his observation, 5392-5407.

Explanation as to Mr. Sheridan, the agent for Moore and Palmer, having demanded that witness should leave Gildea's hotel, on the ground that he was trespasser there; this

Report, 1857—*continued.*

Sharkey, Peter Burroughs. (Analysis of his Evidence)—continued.

this occurred after witness had retired to bed on the night of Tuesday, and was settled for the time by the interference of the magistrates and police called in by witness, 5405-5429——An action has since been instituted against witness with reference to this matter, 5410. 5426——The person who let witness his bed-room stated that Moore and Palmer had no right to claim it, 5424. 5427.

Reference to a remonstrance addressed to witness relative to the adjournment of the poll on the second day, 5436-5442——When the poll was being adjourned, Captain Palmer's agent stated that he had voters in court to poll, 5446-5456. 5480, 5481——Power of witness to have cleared the booth, but not to have directed the military in the town, 5457-5466——Witness does not recollect the polling of Dr. Twiss in his booth, 5482-5488——Witness had some conversation with Colonel Knox and Sir Robert Bloss, who were not of his opinion as to the disturbed state of the town, 5508-5518——Witness did not know Mr. Courtenay Kenny personally, and was not aware that he was a deputed magistrate, 5519-5524.

Sheridan, John Martin. Mr. Sheridan was an agent of Mr. Moore, but not a paid agent, *J. Jordan* 8366-8368. 8371, 8372——Mr. Sheridan first told witness that he was to appear as a witness, *Hanley* 12027-12030——Reference to Mr. Sheridan as one of those who frequented the hotel during the election, *Armstrong* 12347-12353. 12363-12365. 12446-12448.

Letter from Thomas Cooly, of Castlebar, to Colonel Higgins, dated 7 July 1857, relative to an assault on the witness Gannon, and the part taken by Mr. Sheridan therein, *p.* 445.

See also *Gildea's Hotel (Ballinrobe).*

Sitting Member. Witness first stood for the county of Mayo in 1845, *Moore* 13030——Was on that occasion opposed by the Roman-catholic clergy; but contested the election to the last, and was only beaten by a small minority, *ib.* 13031. 13036——Was continually subject to groans and hisses, but was not in any way actually molested, *ib.* 13031. 13032——At the general election subsequently to 1845, witness again contested the county, and though he had not modified his opinions in any way, was returned almost unanimously, and without the influence of the Roman-catholic clergy, *ib.* 13037-13042——At the late election witness felt so confident of success, that he did not issue any address to the constituency, and did not arrive in Mayo till four days before the nomination, *ib.* 13076-13079.

Resolution of the Committee, That George Henry Moore is not duly elected a knight of the shire to serve in the present Parliament for the county of Mayo, *p.* 466——Resolution, That the last election for the said county, so far as regards the return of the said George Henry Moore, is a void election, *ib.*

Speaker's Warrants. Witness was served with the Speaker's warrant on the 8th June; he was previously told by Sir Richard O'Donnell in a casual conversation that he would be served, *M'Laughlin* 4723-4739——The facts with reference to which witness received the warrant are notorious to hundreds, *ib.* 4738-4740.

Spiritual Intimidation. See *Intimidation. Undue Influence.*

State of the Poll. As regards the state of the poll, 404 electors in the county did not vote at all, *Sir R. O'Donnell* 5920-5922——Colonel Higgins polled 1041 votes, or 128 fewer voters than Mr. Moore, *ib.* 5923-5926——The promises for Colonel Higgins were over 1,200, or between 1,230 and 1,250; *ib.* 5927-5935. 5943-5947.

Witness has prepared and delivers in a tabular statement from the poll books of the number of voters polled in each barony, and also from the register of the number remaining unpolled; is satisfied it is a correct statement, *Campbell* 13014*-13023; and *p.* 447——Difference between the statement prepared by witness and the statement prepared by Mr. Griffin, *ib.* 13019-13023.

Witness has prepared and delivers in a statement, which he believes to be correct, of the constituency of the county of Mayo, of the number which polled in each barony, and of the number unpolled, *Griffin* 13024, 13025; and *p.* 447.

Staunton, Patrick. (Analysis of his Evidence.)—Farmer and publican at Swinford, 12667——Voted for Colonel Higgins and Mr. Moore, 12668-12670——During the election saw some water thrown from Colonel Higgins's hotel at Mr. Moore, 12671-12674——Heard Mr. Moore hooted by Colonel Higgins's mob, 12675-12678——Saw one of Mr. Moore's tenants struck by the mob, 12678-12683.

Witness saw Mr. Curran, the magistrate, and Mr. Moore, talking about the conduct of the people, and saw the Rev. Mr. Ivers with a small rod or switch in his hand, but did not see him use it; witness never saw a stick in Mr. Ivers' hand during the election, 12684-12750——The last election passed off more quietly in Swinford than any other during the last twenty-five years, 12705-12707.

Report, 1857—*continued.*

Strachan, Mr. Mr. Strachan, a supporter of Colonel Higgins at Ballinrobe, was beaten by the mob after he had polled, *Griffin* 1897–1901.

Strickland, Charles. Part taken by Mr. Charles Strickland in bringing Colonel Higgins's voters to the poll; belief that he had a deputation from the sheriff, *M'Manus* 3696–3721——Mr. Strickland, magistrate, and agent of Lord Dillon, brought several voters to the poll for Colonel Higgins, *E. H. Jordan* 8916–8918——Improper conduct of Mr. Strickland in regard to the voter Michael Dunleavy, *ib.* 8931–8945——On Sunday, Mr. Strickland, Lord Dillon's agent, brought some voters to Swinford, *O'Dowd* 12663–12666.

Strickland, Thomas. Mr. Thomas Strickland, deputy sheriff in the Costello booth at Swinford, brought up some voters to the Gallen booth, where they plumped for Higgins, *E. H. Jordan* 8977–8983.

Sullivan, Francis. (Analysis of his Evidence.)—Lives near Harleymount, 3193——Attended chapel at Kilcommon on Palm Sunday, the 5th of April, and heard the Rev. Michael Joyce address the congregation in Irish, before the reading of the Gospel, calling upon them not to vote for Higgins, and holding several threats over the heads of those who did so, 3194–3224. 3267–3275——Reflections by Mr. Joyce on the family of Mr. Jennings, 3225–3230.

Active part taken by Mr. Joyce during the election on behalf of Moore and Palmer, 3231–3236. 3242. 3282–3289. 3317——Statement as to witness having been extremely ill-used by Mr. Joyce, and at his direction, by some voters of Moore and Palmer, near Ballinrobe, on the morning of the 7th of April; he was plastered all over with mud, and was very near being put into a bog-hole, 3237–3255. 3276–3286. 3298–3316.

Employment of witness at the election in the interest of Colonel Higgins; his general employment is that of a job clerk, or writer, 3253. 3256. 3264–3266. 3290–3297——Mr. Joyce told the men whom he directed to "plaster" witness, that he (witness) was assisting that "villain" Higgins, 3259–3261——Question as to Mr. Joyce having been aware long before the election of witness's employment by Colonel Higgins, 3302–3312.

Sweeney, Frank. (Analysis of his Evidence.)—Lives at Probanny; is a voter for the barony of Burrishoole, 12751, 12752——On Sunday before the election started on a car for Castlebar, a distance of 27 miles, in order to vote for Moore and Palmer, 12753–12759. 12761——Particulars as to the car having been stopped for a time by some men near Newport Pratt, 12760-12774——Circumstance of the Rev. Mr. M'Culloch, a priest, who was on the same car as witness, having struck one of the men who wanted to get on the car, 12766–12772. 12899–12905. 13013——There were two other cars besides the one on which witness was, 12775.

Particulars as to the cars having been stopped a second time in Newport, and the voters taken by the people into a house there, 12776–12788——Reference to a voter named M'Hale who, as well as witness, was taken from the car, and afterwards brought to the house of Mr. George O'Donnell, the son of Sir Richard O'Donnell, 12781–12792——Witness was taken by the people, who were very numerous, to the house of Mr. George O'Donnell; it was then past ten o'clock at night, 12789–12799——Sir Richard O'Donnell, Mr. William Pike, and other gentlemen, were in the house when witness and M'Hale were taken there on the Sunday, 12802–12814. 12917–12922.

Witness was struck by Mr. O'Donnell's gatekeeper, and was much hurt, 12803. 12829. 12984–12987. 12998–13001——Statement as to Sir Richard O'Donnell having pressed witness to drink spirits or wine, and having wanted him to vote for Colonel Higgins, 12816–12827. 12923. *et seq.*——Witness and M'Hale were not allowed to leave the house during the night, 12830–12838——Particulars as to witness and M'Hale having been taken, on Monday morning, by some men, to an island near Mr. O'Donnell's house, and kept there till Tuesday evening, 12839–12863——They were brought away from the island about six o'clock on Tuesday evening, but the polling at Castlebar was then over, 12864–12872.

Circumstance under which Mr. M'Culloch was on the car with witness; witness does not know where he was going, 12876–12898. 13009–13012——After witness had been taken off the car he lost sight of Mr. M'Culloch, and does not know what became of him, 12906–12911——Witness was not near Sir R. O'Donnell's house, 12913–12916——To the best of witness's recollection, he did not ask to drink Colonel Higgins's health, when at Mr. O'Donnell's, 12928–12948——He was very much frightened and confused when in the presence of Sir R. O'Donnell and Mr. Pike, 12945–12958. 13003–13008——He had been drinking before he arrived at Mr. O'Donnell's, but was not drunk, 12959–12974.

Further statement as to witness having been taken to the island and kept there; he subsequently went to Castlebar to lay information against the men who took him there, 12975–12983. 12997–13002——Mr. O'Donnell's house is near Newport, 12990, 12991——Witness does not recollect having seen Sir R. O'Donnell, or Mr. O'Donnell, after being in the room with them when he was asked to have some wine, 12992–12996.

Swift,

Report, 1857—*continued.*

Swift, Mr. Circumstance under which Mr. Swift, the former Member for Sligo, was present at the meeting at witness's house at Tuam, when a resolution about the election was signed by witness and three bishops, *Archbishop M'Hale* 6443-6447. 6471-6482. 6733, 6734.

Swinford. Escorts were required at Swinford for Colonel Higgins's voters, but not for those of the opposite party, *M'Manus* 3649-3680. 3690-3695. 3722-3726. 3747-3750; *Lavin* 3841, 3842. 3867-3869——About a week before the election Mr. Moore was in Swinford, and addressed the people, *M'Manus* 3516. 3732-3738——During Mr. Moore's canvass, there was a large mob about, and several priests who seemed to be at the head of them, *ib.* 3517-3531——Swinford was in a more excited state than at any former election, *Lavin* 3855-3858.

On or about the 27th March, witness saw Mr. Moore come into Swinford, accompanied by some priests, a large crowd, and a band of music; there was a good deal of excitement, *Curran* 4225-4239. 4330-4333——Two Roman-catholic clergymen, Archdeacon Coghlan and Mr. Ivers, curate of Swinford, were with Mr. Moore, *ib.* 4228-4233——Speech made by Mr. Moore on this occasion; strong remarks therein in regard to Colonel Higgins's supporters, *ib.* 4240-4258. 4341, 4342——Effort on the part of Mr. Moore to create excitement, *ib.* 4259-4261——Statement as to witness having remonstrated with Mr. Moore, with reference to a collision which took place opposite the hotel, *ib.* 4262-4268——Remark by Mr. Moore to witness, that the people had a right to shout; he subsequently told them to shout and make a noise, *ib.* 4268. 4354-4356.

The excitement on the evening of Mr. Moore's entry into Swinford was so great that witness ordered out a patrol of dragoons, *Curran* 4277. 4414, 4415——Statements as to witness having committed two men of the name of Thompson for assault, and as to their having been subsequently liberated by Mr. Moore, in his capacity as magistrate, without any reference to witness, *ib.* 4282-4311. 4357-4372——Witness left Swinford on the day after the polling, *ib.* 4312——During the election witness found it necessary to call out both military and police, *ib.* 4415.

On the Tuesday before the nomination witness went with Mr. Moore to Swinford, *J. Jordan* 7968-7974——There were several supporters of Colonel Higgins about the town, or at Corney's hotel, *ib.* 7975-7986——Conversation on this occasion between Mr. Moore, when on his canvass, and Mr. Curran, the stipendiary magistrate, relative to the conduct of the supporters respectively of Mr. Moore and Colonel Higgins, *ib.* 7987-7996——Explanation as to Mr. Moore having liberated on bail some persons who had been arrested and put into Bridewell, *ib.* 8021-8036——Some water was thrown from the hotel by a waiter at Mr. Moore and witness, *ib.* 8021.

On Tuesday before the election witness was at Swinford, and heard Mr. O'Dowd, the deputy sheriff, and others speak from the hotel against Mr. Moore and in favour of Colonel Higgins, but Mr. Moore, who was passing at the time, told the people to come on and not to mind them, *E. H. Jordan* 8838-8840. 9217. 9241-9251——Interview subsequently between Mr. Moore and Mr. Curran, stipendiary magistrate, when the former said to the people that they might screech as much as they liked but on no account to strike any one, *ib.* 8841-8847——On passing the hotel a second time Mr. O'Dowd was speaking again to the people, and Mr. Moore's party was hissed, and water was thrown upon them, *ib.* 8848-8852.

Witness was afraid to go from his father's house at Bushfield to Swinford by the upper road, as he was in fear of Colonel Higgins's supporters, *E. H. Jordan,* 9212-9214.

Examination as to the conduct of Mr. Moore on the occasion of water having been thrown from Colonel Higgins's hotel; number and behaviour of the people with Mr. Moore at this period, *E. H. Jordan* 9252-9297. 9378, 9379——There were no priests actually with Mr. Moore at the time, *ib.* 9287-9297——Further statement as to Mr. Moore having told the people, in Mr. Curran's presence, to shout as much as they liked, but not to strike any one, *ib.* 9276, 9277. 9298-9322.

Swinford was very quiet on Monday the first day of the polling, *Creagh* 9393-9398——9424-9425——Attempted assault on witness at Swinford on the evening of Monday; stones were previously thrown through his house, *O'Dowd* 12652-12664——During the election, witness saw some water thrown from Colonel Higgins's hotel at Mr. Moore, *Staunton* 12671-12674——Heard Mr. Moore hooted by Colonel Higgins's mob, *ib.* 12675-12678——Saw one of Mr. Moore's tenants struck by the mob, *ib.* 12678-12683——The last election passed off more quietly in Swinford than any other election for twenty-five years, *ib.* 12705-12707.

Reference to the entry of witness into Swinford on Tuesday before the election, and to his address to the people from the house of one of his supporters, *Moore* 13092-13096——Explanation relative to the conversation between Mr. Curran and witness at Swinford; misrepresentation by Mr. Curran of witness's conduct on this occasion, *ib.* 13096——Witness requested the people at Swinford not to commit any act of violence, *ib.*——On the whole, there was no angry demonstration by the people at Swinford, *ib.* 13096-13099

Swinford—continued.

13099——A jug of water was thrown from Colonel Higgins's hotel at witness, but it did not provoke any one, *Moore* 13098.

Explanation of the circumstances under which witness bailed two men committed to prison by Mr. Curran, *Moore* 13103——Witness arrived at Swinford from Ballina at the close of the first day's polling, *ib.* 13147–13149——He addressed the people, and found them throughout the evening particularly quiet and peaceable, *ib.* 13150, 13151. 13153, 13154.

Statement showing the number of electors polled respectively for Higgins, Moore, and Palmer, at the polling booth in Swinford, *p.* 447.

See also *Brabazon, Captain.* *Police.* *Polling Booths, &c.*, 3. *Riot Act.*

T.

Taafe, Philip. Mr. Taafe, of Woodfield, did not take an active part at Swinford on behalf of Colonel Higgins, *M'Manus* 3740–3744——Witness took an active part in canvassing Mr. Taafe's voters for Colonel Higgins, *Lavin* 3910–3921——Improper part taken by Mr. Taafe in regard to the voter, Michael Dunleavy, *E. H. Jordan* 8929, 8930. 8933–8955.

Tighe, Mr. Mr. Tighe's house at Ballinrobe, opposite Monahan's hotel, was guarded by the police during the election, *French* 1183–1185——Colonel Higgins stayed during the election at Mr. Tighe's house, which was constantly guarded, *Bellchambers* 3355–3359. 3408–3411——Witness saw Mr. Tighe walking unescorted in Ballinrobe on the first day of polling, *Martyn* 9916. 9923–9927.

Treating. Witness and several others, supporters of Colonel Higgins, ordered and paid for refreshments for their voters at Monahan's hotel, *French* 1138–1140——Statement as to the refreshments obtained by witness when at Hopkins's house in Castlebar during the election, and as to the payment of the same, *Gannon* 5065–5086.

Probability of certain voters for Mr. Moore, at witness's house, having received refreshments from witness's servants; he thought it better not to see what was going on, and did not see them eating or drinking, *J. Jordan* 8588–8601. 8616–8629. 8671–8674. 8758–8762. 8772, 8773——Witness did not see any of the voters at his father's house eating or drinking, *E. H. Jordan* 9073 *et seq.*

See also *Cavanagh, —.*

Twiss, Dr. Hastings. Witness has no personal recollection of Dr. Twiss, or of his polling in the Kilmaine booth, *Starkey* 5482–5488.

Statement as to Mr. Starkey, deputy sheriff in Kilmaine booth, having recorded the vote of Dr. Twiss for Mr. Palmer only, and having refused to alter it, though it was stated to him by Captain Palmer's agent, that Dr. Twiss proferred his vote for Palmer and Moore, *Knox* 7029–7038. 7203–7206. 7255.

Tyrawley Barony. Witness and Colonel Higgins canvassed Crossmolina, Killala, and other districts of Tyrawley, and got 140 promises, all of which were polled, *Sir R. O'Donnell* 5600–5613. 6013–6024.

There are 535 voters on the printed list for Tyrawley Barony, Ballina, *F. O'Donnell* 12477–12479.

Statement prepared respectively by Mr. Campbell and Mr. Griffin, showing the number of electors registered in the barony, the number polled for each candidate, and the number remaining on the register, *p.* 447.

See also *Ballina.* *Polling Booths, &c.*, 1.

U.

Undue Influence:

1. *Case of Patrick Feargus.*
2. *Case of Phelim Brennan.*
3. *Case of John Gannon.*
4. *Case of Patrick Maughan.*
5. *Case of a Tenant of Captain Brabazon.*
6. *Case of certain Voters at Newport.*
7. *Voters assembled at the house of Mr. Jordan.*
8. *Generally as to the exercise of Undue Influence.*

1. *Case of Patrick Feargus:*

An elector named Feargus, who promised to vote for Colonel Higgins, afterwards voted for the other candidates; witness had a conversation with Feargus on the subject,

Griffin

Report, 1857—*continued.*

UNDUE INFLUENCE—continued.

1. *Case of Patrick Feargus*—continued.

Griffin 1968–1978——Further statements relative to the voter Feargus, and to the cause assigned by him for not supporting Colonel Higgins, *ib.* 1979–1986——He said he dreaded interference with his trade; he is a shoemaker, *ib.* 1980–1983.

Witness was not canvassed for his vote by Mr. Griffin, *Feargus* 11179, 11180. 11279——He intended to vote for Colonel Higgins, but having been asked by Mr. Conway to support Moore and Palmer, and having a great respect for Mr. Conway (who is godfather to one of his children), was induced to vote for the latter gentleman, *ib.* 11181 *et seq.*——When Mr. Conway came to witness's house to ask him for his vote he was accompanied by several people, but no intimidation was used towards witness, nor has he ever said there was, *ib.* 11189 *et seq.*

2. *Case of Phelim Brennan:*

Witness is an elector of Mayo, lives at Currownedin, in the barony of Costello, *Brennan* 4018–4021——On the Wednesday before the election Father Richard Prendergast came to witness's house, and asked him to vote for Moore and Palmer, *ib.* 4022–4038——Witness told Father Prendergast that he would vote as his landlord, Mr. Robert Routledge, wished, *ib.* 4034, 4035.

Interview between witness and Father Prendergast and other voters relative to their votes in the sacristy after mass on Sunday before the election; they were told by Father Prendergast to go and have something to drink, *Brennan* 4055–4081——Three voters, Mulcree, Drury, and Hunter were also in the sacristy, *ib.* 4061–4064——Particulars as to Father Prendergast and Father James M'Gee having come to witness's house during the night of Sunday, and taken him in a car to Father Prendergast's house, where he was treated very kindly, and remained till the next morning, *ib.* 4082–4116. 4166–4168——The priests asked witness to vote for Moore and Palmer, but he said he would rather vote for Colonel Higgins, provided his landlord allowed him, *ib.* 4093. 4117–4121.

On Monday morning witness was taken by Fathers Prendergast and M'Gee into Swinford, where he saw several other priests, *Brennan* 4122–4130——Witness was unwilling to vote, except for Higgins; and said so, *ib.* 4130–4133——When in the polling-booth some priest came behind witness and told him, in Irish, that if he did not vote for Moore and Palmer his soul would go to hell; witness does not know who it was that said this, *ib.* 4134–4138. 4150–4153. 4177–4195——In consequence of this interference witness voted for Moore and Palmer, *ib.* 4139–4141. 4209–4216.

Further reference to the voters Mulcree, Drury, and Hunter; they were at Father Prendergast's house during Sunday night, *Brennan* 4142–4149——No one except Father Prendergast canvassed witness, *ib.* 4154–4157——On the Thursday night before the election some people, unknown to witness, come to his house and said he should vote as his clergyman directed; they went away without molesting him, *ib.* 4162–4165——At the election before the last witness voted for Moore and Higgins, *ib.* 4169–4176.

3. *Case of John Gannon:*

Witness, subsequently to his having been asked by some priests to vote for Moore and Palmer, went to Castlebar, and stayed at the house of one Barrett till the first day of polling, when he went to the court-house, but the poll was closed, *Gannon* 4872–4881——He went in the evening to the house of John Hopkins, a car driver, and remained there on Monday night, *ib.* 4892–4895——Father Cahill and Father Hostie came to Hopkins's on Tuesday morning, and asked witness to vote for Moore and Palmer; threats held out by them on this occasion, *ib.* 4897–4906——They were accompanied by two men, one of whom was drunk, and a fisherwoman, who was very abusive to witness; she was removed by Father Hostie, *ib.* 4907–4918. 5030–5038. 5094–5097.

As witness was going to the poll on Tuesday, he was met and accompanied by Fathers Green, Hostie, Cahill, and another priest, but he nevertheless plumped for Colonel Higgins, *Gannon* 4919–4931. 5044, 5045. 5060——After voting witness was hooted, but was escorted back to Hopkins's house, and remained there till the following day, *ib.* 4932. 4937–4941——Witness was never canvassed before the election for Colonel Higgins, but was merely told by Hopkins how Lord Erne would vote, *ib.* 5016–5029——The conduct of the priests did not frighten witness very much, *ib.* 5044. 5102.

4. *Case of Patrick Maughan:*

Reference to a letter explaining the reasons why Patrick Maughan, an independent farmer, who was to have voted for Colonel Higgins, did not so vote, *Griffin* 2099–2105. 2243–2249.

5. *Case of a Tenant of Captain Brabazon:*

Witness is a shopkeeper in Swinford, and distributor of stamps there, *Milligan* 9441, 9442——Particulars as to Captain Brabazon (who was appointed deputy-sheriff on the 4th of April), who is witness's landlord, having written to him on the 5th of April, and having

UNDUE INFLUENCE—continued.

5. *Case of a Tenant of Captain Brabazon*—continued.

having also spoken to him on the 5th and 6th of April, with a view to his voting for Colonel Higgins, *Milligan* 9443-9468——The letter from Captain Brabazon was to guarantee witness from all loss, if the Stamp-office had punished him for voting, *ib.* 9456——Witness did not vote at all, on account of the penalty to which, as stamp distributor, his doing so would have subjected him, *ib.* 9457. 9464——On witness saying that he could not vote, Captain Brabazon said, that if so, there was an end of friendship between them, *ib.* 9458.

6. *Case of certain Voters at Newport:*

Statement relative to four voters at Newport who, on the day after the nomination, promised witness that they would vote for Colonel Higgins, but eventually voted for Moore and Palmer; after the election they told witness their reason for doing so, *Sir R. O'Donnell* 5743-5763.

7. *Voters assembled at the House of Mr. Jordan:*

Evidence relative to several voters who slept at witness's house on the night before the polling, *J. Jordan* 8558 *et seq.*——Size and accommodation of witness's house adverted to, with reference to the accommodation provided for these voters, *ib.* 8562-8587. 8791-8798——The voters had promised to support Moore and Palmer, and were brought to witness's house for protection from the other party; they had perfect liberty to leave if they pleased, *ib.* 8605-8615. 8668-8670. 8756, 8757. 8763-8771——There were three priests with witness and the voters who went to Swinford on Monday, the 6th April, *ib.* 8644-8655.

Number of rooms and extent of sleeping accommodation in the house of witness's father, *E. H. Jordan* 9013-9053——Examination relative to five or six voters having been at the house during the evening and night of Sunday the 5th of April; witness was not with them, save for a few moments, about 12 o'clock, when he got up to admit another voter, and he did not see any of them eating or drinking, *ib.* 9054-9187——Explanation as to witness having got up to open the door for a man named Kelly, about 12 o'clock, *ib.* 9093-9115——There was a man of the name of Carr in charge of the voters on account of the fear of Colonel Higgins's people, *ib.* 9151-9158. 9175-9184.

Fear entertained by the voters in regard to Colonel Higgins's people taking them from their homes, *E. H. Jordan* 9177-9183——Number of voters who started from the house on the following morning, *ib.* 9189-9209——Witness's father was at home on Sunday the 5th April, and slept at home that night, *ib.* 9348-9355.

8. *Generally as to the Exercise of undue Influence:*

Witness brought a large number from the hotel to the poll, but believes that all of them did not fulfil their promise to plump for Colonel Higgins, *Griffin* 2190-2198——After the demonstrations on the part of the priests, and the excitement created in opposition to Colonel Higgins and in favour of Mr. Moore, many who had promised to vote for the former supported the latter, *Sir R. O'Donnell* 5936-5942.

Resolution of the Committee that George Henry Moore was, by his agents, guilty of undue influence at the late election for the county of Mayo, *Rep. p.* 466.

Resolution that undue influence and spiritual intimidation prevailed to a considerable extent at the election, *Rep. p.* 466.

Resolution of the Committee that it does not appear that the said George Henry Moore personally sanctioned or was cognizant of the said undue influence and spiritual intimidation, *Rep. p.* 466.

See also *Abduction of Voters. Altar Denunciations or Addresses. Ballinrobe. Ballyhadarreen (Costello Barony). Barrett, Rev. Mr. Cahill, Rev. Mr. Conway, Rev. Peter. Dunleary, Michael. Durcan, Michael. Halligan, Rev. Mr. Hosty, Rev. Mr. Intimidation. King, Patrick. Roman Catholic Clergy. Ryan, Rev. Luke.*

V.

Violence and Excitement. The violence at Ballinrobe and Castlebar surpassed the violence at former elections, *Rutlidge* 290-295. 381-387——Doubt as to the same protection or amount of escort having ever been required at former elections for Mayo, *Prendergast* 496-516. 615——Witness never saw such excitement at any other election, *O'Connor* 1256-1258. 1352, 1353——Circumstance of the mob having scattered about the road some hay and straw belonging to Colonel Higgins, in carts which were passing by at this time; Mr. Conway told them ironically not to scatter the hay and straw, *Burke* 1521-1530. 1591-1602——The Protestant rector of Ballinrobe received some rough treatment

Violence and Excitement—continued.

treatment from the mob, *Griffin* 2254, 2255——Since witness has been served with the Speaker's warrant, he has been severely beaten in Ballinrobe; the parties who beat him are committed for trial at the Castlebar assizes, *Meran* 2483–2499.

Witness is servant to Colonel Higgins, *Seahill* 2960—— Was, together with another man, going with a cart of hay and a cart of straw into Ballinrobe on Sunday the 5th of April, *ib.* 2961–2965——When near Ballinrobe, met a large mob, accompanied by the Rev. Mr. Conway on horseback, *ib.* 2966–2973. 3038–3045. 3071–3083——The crowd stopped witness and the other carman, and Mr. Conway told them to scatter the hay and straw in the road, which they quickly did, *ib.* 2974–2979. 3054–3068——The hay and straw were for the use of horses conveying Colonel Higgins's voters, *ib.* 2977, 2978——Statement as to the mob having, at Mr. Conway's desire, detained witness and a horse and cart until he found an opportunity of driving away from them, *ib.* 2980–2992. 3005–3014. 3025, 3026——Violent and excited conduct of this mob, *ib.* 3015–3017. 3024——When the dragoons and voters passed on to Ballinrobe, witness was afraid to go with them; besides, there was no utility in his going, as the hay and straw was all scattered in the road, *ib.* 3104–3118. 3136–3138.

Witness is groom and valet to Colonel Higgins, *Bellchambers* 3318, 3319——On Sunday evening, the 5th of April, witness was going with Colonel Higgins in a phaeton to Cong, and thence to Ballinrobe, *ib.* 3320–3333——On their way to Ballinrobe, they met a large mob, with Father Conway in the centre of them, on horseback; this was past eight o'clock in the evening, *ib.* 3334–3345. 3386–3403——Father Conway came close to the carriage, and said aloud, "This is Colonel Higgins; at him, boys," when at once stones and sticks were thrown in great numbers, but the carriage was driven away by the postillion as fast as possible, *ib.* 3346–3350. 3399–3401——Witness subsequently picked up three large stones in the carriage, and the carriage was struck and indented in several places, *ib.* 3351–3353——Distance of Cong from Ballinrobe, 3379. 3402, 3409. 3412.

Violence displayed towards witness in his own house, on the 7th April, by some tenants of Mr. Moore; means taken to get rid of them, *Lavin* 3845–3854. 3975–3983——Excitable character of Irish mobs generally, *Curran* 4319–4325.

Witness was present as deputed magistrate at the election of 1852, when there was much excitement and noise; quite as much so as at the late election, *Knox* 7007. 7011–7014. 7269–7274——Very much quieter character of the late election than of former elections for Mayo, *Honourable Jeffrey Brown* 7655–7660. 7664. 7801——At one election for Mr. Moore there were two men shot by the soldiers, and the violence generally was very great, *ib.* 7659. 7664——Witness did not see or hear of any act of violence throughout the whole election, except in the case of Peter Cummins, whose head was badly hurt on Sunday, *ib.* 7853–7856. 7867–7871. 7902–7908——At a former election witness has been hooted by a mob at Ballinrobe, but was never assaulted by Mr. Conway, *ib.* 7875–7879.

Considerable violence at Lord Lucan's election in 1826, *J. Jordan* 8144–8148——On the whole, witness never saw so quiet an election *ib.* 8790——Witness, who is about twenty years of age, recollects having been present at two or three former elections at Castlebar; the election of 1852 was not half so quiet as the late election; *ib.* 8880–8892——Witness purposely avoided carrying a stick during the election, *ib.* 9218–9232.

Witness has been at other Irish elections, which have been much less quiet than that for Mayo, *Creagh* 9393–9395. 9423–9425. 9438–9440——Former elections for Mayo, such as that in 1852, were much less free from disorder and violence than the last election was, *Lord J. Browne* 9481–9485. 9529–9531——Witness acted as deputed magistrate at the election of 1852; considerable violence at that election, *Wilbraham* 9600–9611——Circumstance of a pistol having been fired in Castlebar by one of the voters of Colonel Higgins, when being escorted out of the town; refusal of the stipendiary magistrate, Mr. Montgomery, to interfere, *ib.* 9704–9714. 9803–9807.

On Tuesday morning, the 7th April, witness left Ballinrobe for the country, to bring in an English tenant to vote; it was perfectly quiet all about Ballinrobe, *Martyn* 9901–9905. 10184–10188, 10356——Witness has seen all the contested elections at Mayo for the last 25 years, but never saw a quieter one than the last, *ib.* 9973, 9974——Witness did not see any act of violence at Balinrobe, either on the Monday, Tuesday, or Wednesday, *Graburn* 10570–10584——The last election was the quietest one witness ever saw, *O'Donnell* 12466–12469——The noise and uproar were incomparably greater at each of the three elections preceding the last, than at the last, *Moore* 13033–13035.

See also *Adjournment of Poll* (*Ballinrobe*). *Ballina. Ballinrobe. Ballyhannis* (*Castello Barony*). *Castlebar. Cavangah. Claremorris. Cochrane, Mr. Conway, Rev. Peter. Cummins, Peter. Curley, Rev. Michael. Dunleary, Michael. Escort of Voters. Gannon, J. Gavahan, —. Intimidation. Joyce, Rev. Michael. M'Laughlin, J. Mobsmen. Riot Act. Roman Catholic Clergy. Strachan, Mr. Swinford. Ward, Mr. Westport.*

Report, 1857—*continued.*

Void Election. Intention of witness to support Mr. Moore if unseated, and to come forward himself if Mr. Moore be not again a Candidate, *Lord J. Browne* 9569-9575.

Resolution of the Committee, that George Henry Moore is not duly elected a Knight of the Shire to serve in the present Parliament for the county of Mayo, *Rep. p.* 466—— Resolution that the last election for the said county, so far as regards the return of the said George Henry Moore, is a void election, *ib.*

W.

Ward, Mr. Statement as to the ill-usage to which Mr. Ward, a supporter of Colonel Higgins, was subjected at Ballinrobe, *Griffin* 1876-1888. 2180-2184.

Wardlaw, Colonel Robert. (Analysis of his Evidence.)—Is Colonel of the First Royals, 10377——Was sent from Dublin to Castlebar before the late election; arrived there on the 30th of March 10378, 10379——Had six troops of dragoons dispersed throughout the country, but only two of them at Castlebar, 10380-10382——During the nomination and polling, Castlebar was perfectly quiet; that is, there was some excitement, but no real disturbance, 10383-10387. 10422-10431. 10505.

Statement as to witness having, at the request of the high sheriff, sent a reinforcement of dragoons from Castlebar to Ballinrobe on Tuesday evening and Wednesday morning, the 7th and 8th of April, 10388-10391. 10440-10452. 10499, 10500——Witness reached Ballinrobe early on Wednesday, and found the place very quiet, 10392-10396. 10400-10402. 10426. 10449-10459. 10505——Circumstance of Mr. Arabin, stipendiary magistrate, having applied for an escort for Mr. Sharkey, deputy sheriff, 10397-10399. 10503, 10504——Employment of some troops on Wednesday in escorting voters for Colonel Higgins to the poll, and on their return to the country, 10401. 10459-10467.

Statement as to Mr. Sharkey having passed the hotel on Wednesday, where Mr. Moore was speaking; witness did not see him hold up the poll-books, nor did he see any stones thrown at him by the mob, 10403-10421. 10472-10489. 10510, 10511——Major Hume, who cammanded at Ballinrobe, is in attendance, and can speak to the state of the town up to Wednesday, 10432-10439. 10455, 10456——Mr. Moore, in addressing the people on Wednesday, said something about Father Conway; the latter subsequently joined him, and made a speech, 10472-10474. 10490-10498.

The high sheriff seemed anxious to preserve the peace, 10501, 10502——It is the common practice in Ireland to have escorts for the unpopular side at elections, 10506-10509——None of witness's regiment were hurt during the election; a helmet was broken by a stone when an escort was going into Ballinrobe, 10512-10514.

Welch, Nicholas. (Analysis of his Evidence.)—Lives at Ballinrobe; is clerk to the county treasurer, 10706. 10713——On Sunday, the 5th April, saw Mr. Isidore Bourke, his son, and a large party of voters come up the lane leading to the back of Monaghan's hotel, 10709-10712. 10718, 10719——Witness is an elector, and voted for Moore and Palmer, 10715-10717——As the voters came up the lane, witness stationed himself within Gildea's hotel yard, which is separated by the lane from the yard of Monaghan's hotel, 10719-10723.

Several others besides witness got into the yard before the voters had come up so far in the lane, 10724, 10725. 10733. 10765-10768——Some stones were thrown at a window in Mrs. Monaghan's yard, but none were thrown at the voters or Mr. Burke, so far as witness from his position could see, 10725. 10728-10732. 10769-10777——Mr. Burke, jun., tried to keep a man of the name of Jennings from going down the lane, but the latter seized the reins of Mr. Burke's horse, and got by, 10726, 10727.

On the Rev. Mr. Conway coming into the yard, he asked witness to do all he could to keep the people from committing any breach of the peace, and witness did so, 10734-10739. 10958——Explanation as to Mr. Conway having, by his own request, been pushed on to the top of the wall, separating Gildea's yard from the lane; this wall is about eight feet high, and so narrow on the top, that Mr. Conway, instead of standing, was obliged to kneel upon it, 10740-10750. 10764. 10786-10792. 10932-10942. 10993-10997——Witness was near Mr. Conway when he addressed the people from the wall, and told them to keep the peace, &c.; he spoke in English, with his hat on, 10751-10764. 10955-10957——From witness's position, he could not see everything that was passing in the lane, 10775-10781.

During Sunday there was much cheering and shouting in the streets of Ballinrobe, but witness saw no violence committed, 10782-10785. 10793——There were some cars near the wall of Gildea's-yard, and by these and other means five or six persons got on the wall, as well as Mr. Conway, 10786-10792. 10943-10954——On Monday the 6th April the town was very full on account of the market on that day, and there was a good deal of excitement and noise, but no violence, 10793-10803——Witness recollects to have seen many contested elections at Ballinrobe, but the last one was the quietest of them all, 10804-10809. 10852.

Report, 1857—*continued.*

Welsh, Patrick. (Analysis of his Evidence)—*continued.*

On Tuesday there was shouting and cheering, but no violence, 10810–10816——The town was full of soldiers, who constantly cleared the streets, 10816–10819——On Wednesday the town was particularly quiet, 10820——Colonel Higgins and Mr. Routledge left the town together on Wednesday, and no violence was offered to them, 10820–10827——Statement as to Mr. Starkey having passed the hotel when Mr. Moore was in the window on Wednesday, and having held up and tapped the poll-books; witness did not hear him say anything, 10828–10844——No stones were thrown at Mr. Sharkey, 10845–10851.

Reference to a man named Duffy, a supporter of Moore and Palmer, whom Mr. Sharkey ordered to be put in gaol for saying something in the pooling booth, 10853–10859——Witness and several others have collected at the chapel-door for the Moore Fund, and have subscribed to it, 10860–10874——Remarks of Mr. Conway from the altar on Sunday the 5th April relative to the election; he spoke very strongly against Colonel Higgins and his supporters, 10875–10897——Mr. Conway said in chapel that there would be a meeting in the town after mass, and he subsequently addressed the meeting from Gildea's hotel, 10898–10910.

Feeling of curiosity which induced witness to see the voters coming up the lane on Sunday; he did not know which party they were for till he saw them, 10911–10921. 10927–10931——There was a large crowd in the street when Mr. Conway spoke from the hotel, but these had mostly dispersed before the voters arrived, 10922–10926. 10998–11002——The gate of Monaghan's-yard being closed when the voters came, delayed them for a considerable time in the lane, 10932, 10933. 11003–11005.

The man Duffy was on the wall, near Mr. Conway; he had no stick in his hand, 10947–10954——Circumstance of witness having recently seen Mr. Conway at Mr. Martin's office in London; nothing was said about the election or the petition, 10959–10990. 11006–11111——Witness does not recollect hearing the petition read in Mr. Conway's chapel, 10981–10986——After the proceedings in the lane on Sunday, the 5th April, witness did not see Mr. Conway again on that day, 10987–10992——Responsible position held by witness as clerk to the treasurer of the county, 11012–11016.

Westport. Violent conduct of a small mob of Colonel Higgins's supporters at Westport some days before the election, *Lord J. Browne*, 9491–9496——Circumstance of witness having written to the Government for a military force at Westport, *ib.* 9497, 9498——Violent conduct of a mob in favour of Colonel Higgins during the polling, *ib.* 9499–9502——Full polling of voters at Westport mainly in favour of Moore and Palmer, *ib.* 9504–9506. 9566–9568.

On Monday evening, the 6th April, witness found that some infantry and police had arrived in Westport, *Wilbraham* 9715, 9716——There had been some rioting in the town during the day, *ib.* 9717. 9732——Captain Butler, the magistrate, and the troops left Westport in the morning of the second polling-day, *ib.* 9733–9737——Except Dean Burke, who supported Colonel Higgins, the priests at Westport took no active part, *ib.* 9772–9776.

Statement showing the number of electors polled respectively for Higgins, Moore and Palmer, at the polling-booth in Westport, *p.* 447.

See also *Bourke, Dean.* *Louisburgh.* *Polling-booths, &c.*, 4.

Wilbraham, Hugh. (Analysis of his Evidence.)—Magistrate of Mayo; is a freeholder, and voted for Captain Palmer and Mr. Moore 9591–9599——Acted as deputed magistrate at the election of 1852; considerable violence at that election, 9600–9611——Very quiet state of Castlebar on the nomination day for the late election, 9612–9619——Witness brought from twenty to twenty-five voters from Louisburgh to Westport, to vote for Palmer and Moore, 9620, 9621——Circumstance of witness having applied to the high sheriff for a deputation to act, which was not granted, 9622–9627.

There were no troops in Louisburgh before the election, nor any police force, 9628–9931——Statement as to witness having applied to the Government for an escort for the Louisburgh voters; no troops, however, were sent, 9632–9653——Escort of non-voters, and, for a part of the way, of police, under which witness brought the voters from Louisburgh to Westport, on Monday the 6th of April, 9653–9672. 9769–9771. 9790–9798——Partial and improper way in which the proceedings were conducted in the Westport polling booth; Mr. Hildebrand was deputy sheriff, 9676–9699.

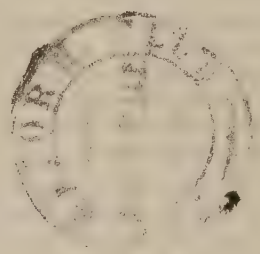
Castlebar was very quiet, when witness was there, in the middle of the day on Monday, 9700–9702——Circumstance of a pistol having been fired in Castlebar, by one of the voters of Colonel Higgins, when being escorted out of the town; refusal of the stipendiary magistrate, Mr. Montgomery, to interfere, 9704–9714. 9803–9807——On Monday evening witness found that some infantry and police had arrived in Westport, 9715, 9716——There had been some rioting in the town during the day, 9717. 9732.

There

Report, 1857—*continued.*

Wilbraham, Hugh—(Analysis of his Evidence)—*continued.*

There was no deputed magistrate in Castlebar on the 4th of April, who could act in cases of assault or riot, 9718–9726——Up to Monday, the 6th April, there was no deputed magistrate at Westport, 9727–9731——Captain Butler, the magistrate, and the troops left Westport in the evening of the second polling day, 9733–9737——Occupation of witness, who is an Englishman, before he went to live in Mayo; his present occupation, 9738–9760.

At the election of 1852 Major Knox was high sheriff; doubt whether he supported Colonel M'Alpin, 9763–9768——Except Dean Burke, who supported Colonel Higgins, the priests at Westport took no active part, 9772–9776——Portion of the route to Westport, at which witness thought an escort necessary, 9777–9780. 9790–9798——When witness applied for a deputation, he thought that without one he could not act, 9799–9802.

Writ, &c. Witness produces the writ and return for the last election for the county of Mayo, *Naylor* 2, 3.